

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **January 18, 2016**

3
4 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry,
5 NH.

6
7 Present: Chairman John Farrell; Vice Chairman Jim Butler; Councilors Tom Freda, Joe Green and Tom Dolan; Town
8 Manager Kevin Smith; Executive Assistant Kirby Wade

9
10 **CALL TO ORDER**

11
12 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for all the
13 men and women who serve us here and abroad and all first responders and the men and women who serve us here and
14 abroad.

15
16 **PUBLIC COMMENT**

17
18 Councilor Dolan thanked the Councilors involved in helping come to a conclusion with a recreation issue.

19
20 **PUBLIC HEARING**

21
22 Motion to open Public Hearing made by Councilor Dolan and second by Councilor Freda. Chair votes 4-0-0.

23
24 Town Manager Kevin Smith introduced the second budget public hearing for FY17. The voting on the warrant articles will
25 be tonight. The Town Council will vote on the warrant this evening during the meeting and the budget committee will make
26 its recommendations following the meeting. Town Manager Smith read through the articles [see attached].

27
28 **Article #2 - Appropriation to Expendable Maintenance Trust Fund**

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30 There was no Council comment. There was no public comment.

31
32 **Article #3 - Fiscal Year 2017 Town Operating Budget**

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34 There was no Council comment. There was no public comment.

35
36 **Article #4 - Police Outside Details**

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38 There was no public comment.

39
40 **Article #5 - Fund Sewer Fund**

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42 There was no Council comment. There was no public comment.

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44 **Article #6 - Recreation Commission – Court Resurfacing**

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46 There was on Council comment. There was no public comment.
47

LONDONDERRY TOWN COUNCIL MEETING MINUTES

48 **Article #7 - Appropriation to the Roadway Maintenance ETF**

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50 There was no Council comment. There was no public comment.

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52 **Article #8 - Senior Center Improvements**

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54 There was no Council comment. There was no public comment.

55
56 **Article #9 - Appropriate Funds to Capital Reserve Funds to Expand Cemeteries, to Replace Highway Heavy**
57 **Equipment, Highway Trucks, Fire Equipment and Fire trucks, and to Maintain Geographic Information Systems**
58 **(GIS)**

59
60 There was no Council comment. There was no public comment.

61
62 **Article #10 - Fund Sewer Expansion**

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64 Councilor Dolan stated that he thinks voter will get confused with Article #5 seeing as they are both Sewer Fund.

65
66 **Article #11 - Appropriation of Land Use Change Taxes to the Conservation Fund and the General Fund**

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68 Mike Speltz, 18 Sugar Plum Lane, stated that he has a few remarks. He wants to provide some background for the Council to
69 consider. The Land Use Change begins with a Declaration of Public Interest. Speltz stated that until 2013, one hundred percent
70 of Londonderry's Land Use Change Tax was deposited into the Conservation Fund. The purpose of the tax is to balance and
71 protect open space. If no more open spaces were to be developed, there would be no need to dedicate this tax to compensate
72 development with open space. Most of the open spaces as of now are still available for development.

73
74 **Article #12 - Transfer of Management of Tax Map 6-97-1 from Conservation Commission to Town Manager**

75
76 There was no Council comment. There was no public comment.

77
78 Town Manager Smith stated that there was talk about creating a warrant article regarding target shooting in the Musquash.
79 Attorney mike Ramsdell stated that the Town Council can do it either way because the Charter authorizes the Town Council to
80 make recommendations with a matter like that on the warrant. Attorney Ramsdell stated that it is an Ordinance that we are
81 talking about, not an actual matter of the Charter. It can just be done as a public hearing and not a warrant article. Chairman
82 Farrell suggested scheduling a public hearing in the near future to talk about it with the Police Department.

83
84 **Petition Warrant Articles**

85
86 Town Manager Smith stated that the Town received two petition warrant articles. Two were submitted by resident Deb Paul.
87 Two were submitted by resident Richard Belinsky. One was submitted by resident John Laferriere. All were received by the
88 cutoff date and were verified by having the right number of registered voters. Smith stated that there were some issues with
89 four of five of the items. Smith read in both warrant articles submitted by Belinsky. Attorney Ramsdell stated that both warrant
90 articles were unlawful. Chairman Farrell stated that all petitioners had the opportunity to have their warrant articles reviewed
91 by legal counsel for free. The Council discussed the legality of the various articles. Town Manager Smith stated that he
92 informed all petitioners who's warrant articles were unlawful.

93
94 **Article #13 - Appropriation to Establish an Addiction and Counseling Program**

95
96 There was no Council comment. There was no public comment.

97
98 **Article #14 - Appropriation to Establish a Family Mediation Program.**

99
100 John Laferriere presented on this warrant article.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

104 Article #15 - Term Limits for All Non-Land Use Boards – Advisory Vote

105
106 There was no Council comment. There was no public comment.

107
108 Article #16 - Transaction of Other Business

109
110 There was no Council comment. There was no public comment.

111
112 [See attached for votes]

113

114 OLD BUSINESS

115

116 **See public hearing.**

117

118 BOARD/COMMITTEE APPOINTMENTS & RESIGNATIONS

119

120 Chairman Farrell stated that the Conservation Commission would like to make the following recommendations. To re-appoint
121 Gene Harrington as a voting member. Appoint Roger Fillio as a voting member, who will replace Mike Considine. Re-appoint
122 Mike Speltz as an alternate member and appoint Julie Christenson-Collins as an alternate member to replace Roger Fillio.
123 Motion to accept the appointments and re-appointments made by Councilor Dolan and second by Councilor Green. 4-0-1.

124

125 Motion to accept the resignation of Lynn Wiles from the Londonderry Planning Board made by Councilor Green and second
126 by Councilor Dolan. Chair votes 5-0-0.

127

128 Motion to accept the resignation of Kathy Wagner and George Herman from the Demolition Delay Committee made by
129 Councilor Green and second by Councilor Dolan. Chair votes 5-0-0.

130

131 Motion to re-appoint Martin Srugis and Leitha Rielly to the Southern New Hampshire Planning Commission made by
132 Councilor Dolan and second by Councilor Green. Chair votes 5-0-0.

133

134 The Council Conducted interviews for the JNC. Jay Hooley and George Brooks interviewed. The Council is waiting until the
135 next meeting to make an appointment so that the Conservation Commission can have a chance to interview the candidates.

136

137 NEW BUSINESS

138

139 Chairman Farrell introduced Order #2016-02, the expenditure of Maintenance Trust Fund for various projects. Presented by
140 Steve Cotton. Motion to approve Order #2016-02 made by Councilor Dolan and second by Councilor Green. Chair votes 5-
141 0-0.

142

143 Chairman Farrell introduced Order #2016-03, the withdrawal of funds from the Capital Equipment Capital Reserve.
144 Presented by Finance Director Doug Smith. Motion to approve Order #2016-03 made by Councilor Dolan and second by
145 Vice Chairman Butler. Chair votes 5-0-0.

146

147 Chairman Farrell introduced Ordinance #2011-08 (A) for the first reading. Motion to waive the first reading made by
148 Councilor Green and second by Councilor Dolan. Chair votes 5-0-0.

149

150 Chairman Farrell introduced Order #2016-04, the expenditure of Capital Reserve Funds for Highway Trucks and Equipment.
151 Presented by Public Works Director Janusz Czyzowski. Motion to approve Order #2016-04 made by Councilor Dolan and
152 second by Vice Chairman Butler. Chair votes 5-0-0.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

153 Chairman Farrell introduced Order #2016-05, the expenditure of Fire Capital Reserve Funds. Presented by Fire Chief Darren
154 O'Brien. Motion to approve Order #2016-05 made by Councilor Dolan and second by Councilor Green. Chair votes 5-0-0.
155

APPROVAL OF MINUTES

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157
158 Motion to approve the minutes from January 4, 2016 made by Councilor Dolan and second by Councilor Freda. Chair votes
159 5-0-0.

ADJOURNMENT

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162 Motion to adjourn made by Councilor Dolan and second by Councilor Green. **Chair votes 5-0-0.**
163

164	Notes and Tapes by:	Kirby Wade	Date: 01/18/2016
165	Minutes Typed by:	Kirby Wade	Date: 01/24/2016
166	Approved by:	Town Council	Date: 02/01/2016

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To the inhabitants of Londonderry in the County of Rockingham in the State of New Hampshire qualified to vote in Town Affairs:

Voters are hereby notified to meet at the Londonderry High School Cafeteria in Londonderry on Saturday, the sixth (6th) day of February, 2016, at nine o'clock in the morning for the Deliberative Session of the Budgetary Town Meeting.

Voters are further notified to meet at the Londonderry High School Gymnasium on Tuesday, March 8, 2016, to choose all necessary Town Officers for the ensuing year, and to act upon the proposed Fiscal Year 2017 budget, as may be amended by the Deliberative Session, together with any amendments to the Town Charter, all by official ballot, the polls to be open at seven o'clock in the morning and to close not earlier than eight o'clock in the evening.

ARTICLE NO. 1: [ELECTION OF OFFICERS]

To choose all necessary Town Officers for the ensuing year or until another is chosen or appointed and qualified.

ARTICLE NO. 2: [APPROPRIATION TO EXPENDABLE MAINTENANCE TRUST FUND]

To see if the Town will vote to raise and appropriate the sum of **TWO HUNDRED TEN THOUSAND DOLLARS (\$210,000)** to be placed in the Town's Expendable Maintenance Trust Fund with said funds to come from the June 30 Unassigned Fund Balance.

(If passed, this article will require the Town to raise \$0 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 3: [FISCAL YEAR 2017 TOWN OPERATING BUDGET]

Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$29,591,028? Should this article be defeated, the default budget shall be \$29,594,363, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

(If passed, this article will require the Town to raise \$17,924,670 in property taxes, resulting in a tax rate impact of \$4.87 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 4: [POLICE OUTSIDE DETAILS]

To see if the Town will vote to raise and appropriate **FOUR HUNDRED NINETY-FOUR THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS** (\$494,678) for the purpose of covering Police Outside Details with said funds to come from the Police Outside Detail Special Revenue Fund.

(These services are funded through user fees and require no property tax support.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 5: [FUND SEWER FUND]

To see if the Town will vote to raise and appropriate **SIX MILLION THREE HUNDRED SEVEN THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS** (\$6,307,524) for defraying the cost of construction, payment of the interest on any debt incurred, management, maintenance, operation and repair of constructed sewer systems. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus, all in accordance with RSA 149-I.

(These services are funded through user fees and require no property tax support.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 6: [RECREATION COMMISSION – COURT RESURFACING]

To see if the Town will vote to raise and appropriate **THIRTY EIGHT THOUSAND (\$38,000)** for the purpose of resurfacing the Town's basketball and tennis courts located on Nelson Road, with said funds to come from the June 30 Unassigned Fund Balance.

(If passed, this article will require the Town to raise \$0 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 7: [APPROPRIATE TO THE ROADWAY MAINTENANCE ETF]

To see if the Town will vote to raise and appropriate the sum of **SIX HUNDRED FIFTY THOUSAND DOLLARS** (\$650,000) to be placed in the Roadway Maintenance Expendable Trust Fund with said funds to come from the June 30 Unassigned Fund Balance.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 8: [SENIOR CENTER IMPROVEMENTS]

To see if the Town will vote to raise and appropriate the sum of **THREE HUNDRED FIFTY THOUSAND DOLLARS** (\$350,000) for improvements to the Londonderry Senior Center with said funds to come from the June 30 Unassigned Fund Balance.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 9: [APPROPRIATE FUNDS TO CAPITAL RESERVE FUNDS TO EXPAND CEMETERIES, TO REPLACE HIGHWAY HEAVY EQUIPMENT, HIGHWAY TRUCKS, FIRE EQUIPMENT AND FIRE TRUCKS, AND TO MAINTAIN GEOGRAPHIC INFORMATION SYSTEMS (GIS)]

To see if the Town will vote to raise and appropriate **SEVEN HUNDRED TWENTY-FOUR THOUSAND** (\$724,000) to be placed accordingly in the following capital reserve funds, with said funds to come from the June 30 Unassigned Fund Balance: Highway Trucks \$ 50,000, Highway Heavy Equipment \$30,000, Fire Equipment \$149,000, Fire Trucks \$380,000, Pillsbury Cemetery Expansion \$75,000, GIS \$40,000. TOTAL APPROPRIATION \$ 724,000.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 10 [FUND SEWER EXPANSION]

To see if the Town will vote to raise and appropriate **THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000)** for the specific purpose of expanding the Route 102 sewer system along the commercial district from the area of Home Depot to the intersection with Mammoth Road with said funds to come from the June 30 Unassigned Fund Balance.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 11: [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 not more than **ONE HUNDRED THOUSAND (\$100,000)** from the Land Use Change Tax in the Conservation Fund, with the balance to be placed in the General Fund; currently, the first **One-Hundred Thousand (\$100,000)** from the Land Use Change Tax and Forty percent (**40%**) of the remainder of the revenues received from the Land Use Change Tax are placed in the Conservation Fund. The change shall be effective April 1, 2016.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 3-2 recommends a NO vote.

ARTICLE NO. 12: [TRANSFER OF MANAGEMENT OF TAX MAP 6-97-1 FROM CONSERVATION COMMISSION TO TOWN MANAGER]

To see if the Town will vote to authorize the transfer of all supervision, management duties and responsibilities of the land surrounding the Town Common and fronting on Mammoth Road and Pillsbury Road, **Tax Map 6-97-1**, which is sometimes referred to as the "Town Forest," from the Conservation Commission to the Town Manager, with the advice and recommendations from the Historic District/Heritage Commission, Conservation Commission and Town Council.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 13: [APPROPRIATION TO ESTABLISH AN ADDICTION AND COUNSELING PROGRAM]

To see if the Town will vote to raise and appropriate the sum of **FIFTY THOUSAND DOLLARS (\$50,000)** to establish an addiction and counseling program for families in need with said funds to come from the June 30 Unassigned Fund Balance.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.

ARTICLE NO. 14: [APPROPRIATION TO ESTABLISH A FAMILY MEDIATION PROGRAM]

To see if the Town of Londonderry will vote to raise and appropriate the sum of **FIFTY THOUSAND DOLLARS (\$50,000)** and re-establish the family mediation program for Londonderry families in need. Also, establish a special revenue fund to allow and accept any and all gifts, donations and grants to support the Family Mediation Program. If approved; such funds shall be incorporated in the annual default budget calculation and only a vote at Town Meeting can defund the program. **(BY CITIZENS PETITION)**

(If passed, this article will require the Town to raise \$50,000.00 in property taxes, resulting in a tax rate impact of \$0.01 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 5-0 recommends a NO vote; the Budget Committee by a vote of 5-0 recommends a NO vote.

ARTICLE NO. 15: [TERM LIMITS FOR ALL NON-LAND USE BOARDS – ADVISORY VOTE]

To see if the voters will recommend to the Town Council to propose an amendment to the Town Charter to set term-limits on appointments to all non-land use boards. This question shall be non-binding on the Town Council. **(BY CITIZENS PETITION)**

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)

The Town Council by a vote of 4-1 recommends a NO vote; the Budget Committee did not vote on this item as it is non-monetary.

ARTICLE NO. 16: [TRANSACTION OF OTHER BUSINESS]

To transact any other business that may legally come before this meeting. No business enacted under this article shall have any binding effect upon the Town.

Given under our hands and seal, this twenty-second day of January, in the year of our Lord, Two Thousand and sixteen.

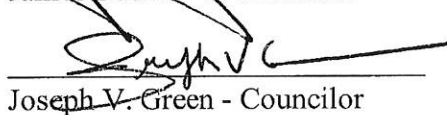
**TOWN COUNCIL
LONDONDERRY, NEW HAMPSHIRE**



John Farrell - Chairman



James Butler - V. Chairman



Joseph V. Green - Councilor



Tom Freda - Councilor



Tom Dolan - Councilor

I hereby certify that notice was given to the inhabitants of the Town of Londonderry to meet for the 2016 Town Meeting at the time and place indicated in this Warrant, by posting an attested copy of this document on January 22, 2016 at the Londonderry High School Gymnasium and Cafeteria, the place of meeting, and at the Town Hall, School District Office and Leach Public Library.



Kevin H. Smith
Town Manager