

**TOWN COUNCIL
AGENDA
January 19, 2009**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home.

7:00 PM

- I. CALL TO ORDER – PUBLIC SESSION
- II. PUBLIC HEARING
 - A. FY 10 Bond Hearing
 - B. FY 10 Town Budget
- III. PUBLIC COMMENT
 - A. Tom Bianchi
- IV. OLD BUSINESS
 - A. Safe Routes to School Program
- V. NEW BUSINESS
 - A. Resolution #2009-01 – Relative to the Acceptance of Conservation Land from Elliot Health Systems
 - B. LAEA Collective Bargaining Agreement – Fact Finder Report
 - C. Order #2009-01 – Relative to Expenditures of Maintenance Trust Funds
- VI. APPROVAL OF MINUTES
 - A. Minutes of the Council’s January 5, 2009 Public Meeting.
- VII. OTHER BUSINESS
 - A. Liaison Reports
 - B. Town Manager’s Report
 - C. Board/Committee
Appointments/Reappointments/Resignations

1. Appointment of David E. Kelly as an Alternate Member of the Solid Waste Advisory Committee, term to expire 12/31/10.
2. Appointment of Gail Moretti as an Alternate Member of the Solid Waste Advisory Committee, term to expire 12/331/09.

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, February 2, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- B. FY10 Budget Public Hearing, February 5, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- C. Town Council Meeting, February 9, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- D. Public Hearing on Town Common Special Revenue Fund, February 23, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM

***TOWN OF LONDONDERRY
NOTICE OF PUBLIC HEARING
BOND ISSUES***

Pursuant to RSA 33:8-a, notice is hereby given that the Londonderry Town Council will receive public input on the following bond issues proposed for consideration at the 2009 Town Meeting:

- \$1.9 Million Bond Issue to replace North/West Fire Station.
- \$1.5 Million Bond Issue for the reconstruction of roads

The hearing will be held on Monday, January 19, 2009 beginning at 7:00 PM in the Moose Hill Conference Room, Town Hall, 268B Mammoth Road, Londonderry, N. H.

The public is encouraged to attend.

Londonderry Town Council

***TOWN OF LONDONDERRY
NOTICE OF PUBLIC HEARING
FY10 PROPOSED TOWN BUDGET***

Notice is hereby given that the Londonderry Town Council will receive public input on the proposed FY10 Town Budget on Monday, January 19, 2008 beginning at 7:00 PM in the Moose Hill Conference Room, Town Hall, 268B Mammoth Road, Londonderry, N. H.

The budget under consideration includes:

	Current	Proposed
General Operating Budget	FY 09	FY 10
Town Council	\$ 13,319	\$ 1,522
Town Manager	412,386	414,705
Moderator	300	300
Budget Committee	50	50
Conservation Comm	3,500	3,500
Town Clerk	474,887	468,936
Supervisors –Checklist	12,271	8,689
Finance & Administration	543,693	589,103
Assessing	376,997	389,127
IT	347,131	335,580
Legal	120,000	120,000
Zoning	39,476	39,578
General Government	490,040	479,434
Cemetery	34,945	34,945
Insurance	163,750	186,042
Planning & E.D.	432,063	459,437
Police Dept.	6,376,501	6,607,537
Fire Dept.	5,282,017	5,417,754
Building Dept.	356,211	317,261
Public Works Dept.	3,010,825	3,185,677
Solid Waste	2,111,817	2,106,555
General Assistance	203,432	205,836
Family Mediation	27,128	27,881
Recreation	127,621	143,743
Library	1,203,024	1,254,056

Senior Affairs	58,534	54,094
Debt Service	<u>2,870,686</u>	<u>2,855,712</u>
Total – Operating Budget	\$25,092,604	\$25,658,554

Special Revenue Funds

Sewer Division	\$ 2,056,212	\$ 2,142,053
Cable Division	265,930	276,193
Police Outside Details	434,839	435,339
Expendable Maintenance Trust	205,000	100,000
Capital Reserve Funds	332,200	225,000
Mammoth/Litchfield Intersection	758,000	-
Eco Park Non- Capital Reserve	45,000	-
Master Plan Non-Cap Reserve	100,000	-
Emergency Generator	100,000	-
Page Road/Rte. 28 Intersection		1,750,000
Fire Facilities Soft Costs		120,000
1801 Collective Bargaining Agreement		47,608
LAEA Fact Finder Report		TBD

Londonderry Town Council

TOWN MEETING WARRANT

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

Voters are hereby notified to meet at the Londonderry High School Gymnasium in Londonderry on Tuesday the tenth (10th) day of March, 2009, at seven o'clock in the morning to choose all necessary Town Officers for the ensuing year, and to act upon bond and note articles, 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.

Voters are further notified to meet at the Londonderry High School Cafeteria on Saturday, March 14, 2009 at nine o'clock in the morning to discuss, amend and act upon articles, the proposed Fiscal Year 2010 budget and all other matters to come before the meeting.

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 ***[BOND ISSUE FOR REPLACEMENT OF NORTH/WEST FIRE SUBSTATION]***

To see if the Town will vote to raise and appropriate **ONE MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,975,000)** for the purpose of constructing a replacement fire substation in North/West Londonderry.

Said sum to be raised by the issuance of serial bonds or notes not to exceed **ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000)** under and in compliance with the provisions of the Municipal Finance Act (NH Revised Statutes Annotated Chapter 33) and to authorize the Town Council to issue and negotiate such bonds or notes, to determine the rate(s) of interest thereon and to take such other actions as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Londonderry, and to authorize the Town Council to accept any funds from the State of New Hampshire, the Federal Government, and private sources, as may become available, and pass any vote relating thereto; and further, to raise and appropriate **SEVENTY FIVE THOUSAND FIVE HUNDRED DOLLARS (\$75,500)** for the first year's interest payment and bond issuance cost on said bond, and to authorize the transfer of the June 30 fund balance in that amount for this purpose. (Ballot Vote – 60% approval required)

(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 10; \$xxx,xxx in property taxes, resulting in a tax rate impact of \$0.0x in FY 11; and \$xxx,xxx in property taxes, resulting in a tax rate impact of \$0.0x in FY12, based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: 3-1-0) Budget Committee - (Yes: x-x-x)

ARTICLE NO. 3 [BOND ISSUE FOR HIGHWAY RECONSTRUCTION]

To see if the Town will vote to raise and appropriate **ONE MILLION FIVE HUNDRED FIFTY-EIGHT THOUSAND DOLLARS (\$ 1,558,000)** for the reconstruction of roads.

Said sum to be raised by the issuance of serial bonds or notes not to exceed **ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000)** under and in compliance with the provisions of the Municipal Finance Act (NH Revised Statutes Annotated Chapter 33) and to authorize the Town Council to issue and negotiate such bonds or notes, to determine the rate(s) of interest thereon and to take such other actions as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Londonderry, and to authorize the Town Council to accept any funds from the State of New Hampshire, the Federal Government, and private sources, as may become available, and pass any vote relating thereto and further, to raise and appropriate **FIFTY EIGHT THOUSAND DOLLARS (\$58,000)** for the first year's interest payment and bond issuance costs on said bond and to authorize the transfer of the June 30 fund balance in that amount for this purpose. (Ballot Vote – 60% approval required)

(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 10; \$xxx,xxx in property taxes, resulting in a tax rate impact of \$0.0x in FY 11; and \$xxx,xxx in property taxes, resulting in a tax rate impact of \$0.0x in FY12, based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: 4-0-0)

Budget Committee - (Yes: x-x-x)

ARTICLE NO. 4 [FUND SPECIAL REVENUE ACCOUNTS]

To see if the Town will vote to raise and appropriate the sums set forth below from the special revenue funds already established. Such appropriations shall be used for the purpose of covering Police Outside Details, Cable and Sewer Expenses, and shall be funded from various vendors and users of Police, Cable and Sewer Services. Any surplus in said funds shall not be deemed part of the General Fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said funds for a specific purpose related to the purpose of the funds or source of revenue.

Sewer Division Fund	\$ 2,142,053
Cable Franchise Fee Fund	276,193
Police Outside Detail Fund	435,339
	<u>\$2,853,585</u>

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

This article is supported by:

Town Council - (Yes: 4-0-0) Budget Committee - (Yes: x-x-x)

ARTICLE NO. 5 [EXPENDABLE MAINTENANCE TRUST FUND]

To see if the Town will vote to raise and appropriate the sum of **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** to be placed in the Town's Maintenance Trust Fund created by the voters at the 2003 Town Meeting for the purpose of repairing and maintaining town facilities and to authorize the use of the June 30 Fund Balance in the amount of \$100,000 towards this appropriation.

(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 10 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes 4-0-0) Budget Committee - (Yes x-x-x)

ARTICLE NO. 6 [CREATION OF SPECIAL REVENUE FUND TO SUPPORT TOWN COMMON/FOREST ACTIVITIES]

To see if the Town will vote to adopt the provisions of RSA 31:95-c to restrict 100% of revenues from the Nelson Road Cell Tower Lease to expenditures for the purpose of supporting and maintaining the Town Common/Forest and related activities, including Old Home Day, Morrison House, Heritage Commission, Conservation Commission stewardship responsibilities and Arts Council? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Town Common Special Revenue Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue." (Ballot vote required)

(This article, if passed will have no tax impact.)

This article is supported by:

Town Council - (Yes: 4-0-0) Budget Committee - (Yes x-x-x)

ARTICLE NO. 7 [FUND SPECIAL REVENUE ACCOUNT]

To see if the Town will vote to raise and appropriate the sum of **EIGHTEEN THOUSAND FIVE HUNDRED FORTY DOLLARS (\$18,540)** from the special revenue fund established under Article 6. Such appropriations shall be used for the purpose of supporting and maintaining the Town Common/Forest and related activities, including Old Home Day, Morrison House, Heritage Commission, Conservation Commission stewardship responsibilities and Arts Council. Any surplus in said funds shall not be deemed part of the General Fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said funds for a specific purpose related to the purpose of the funds or source of revenue.

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

This article is supported by:

Town Council - (Yes: x-x-x) Budget Committee - (Yes: x-x-x)

ARTICLE NO. 8 [FISCAL YEAR 2010 TOWN OPERATING BUDGET]

To raise such sums of money and make appropriations of the same as may be necessary to defray Town charges, exclusive of warrant articles and increases resulting from collective bargaining agreements, for the ensuing fiscal year, July 1, 2009 through June 30, 2010.

(If passed, this article will require the Town to raise \$14,642,856 in property taxes, resulting in a tax rate impact of \$x.xx in FY 10 based upon projected assessed values.)

This article is supported by:

Town Council - (\$25,658,554 - Vote: 4-0-0)

Budget Committee - (\$xx,xxx,xxx -

Vote: x-x-x)

ARTICLE NO. 9 [APPROPRIATE FUNDS TO CAPITAL RESERVE FUNDS TO REPLACE AMBULANCES, HIGHWAY HEAVY EQUIPMENT, FIRE TRUCKS AND HIGHWAY TRUCKS]

To see if the Town will vote to raise and appropriate the sums set forth below to be placed in capital reserve funds already established, and to authorize the use of the June 30 Fund Balance in the amount of \$100,000 towards this appropriation:

Ambulances	\$ 30,000
Highway Trucks	\$ 83,500
Highway Heavy Equipment	\$ 3,000
Fire Trucks	<u>\$ 108,500</u>

(If passed, this article will require the Town to raise \$125,000.00 in property taxes, resulting in a tax rate impact of \$0.04 in FY 10 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: 4-0-0) Budget Committee - (Yes: x-x-x)

ARTICLE NO.10 [PAGE ROAD/RTE 28 INTERSECTION]

To see if the Town will vote to raise and appropriate **ONE MILLION SEVEN HUNDRED FIFTY EIGHT THOUSAND DOLLARS (\$1,750,000)** for reconstruction of the Page Road/Rte 28 intersection and the installation of traffic signals at that location; to be financed in the following manner:

Use of the June 30 Fund Balance	\$ 400,000.00
Rte. 28 West Impact Fees	\$ 183,000.00
Aid Reconstruction Fund	<u>\$1,167,000.00</u>
	\$1,750,000.00

(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 10 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: 4-0-0) Budget Committee - (Yes: x-x-x)

**ARTICLE NO. 11 [FIRE FACILITIES
RELOCATION/INSPECTION/EQUIPMENT & FURNISHING COSTS]**

To see if the Town will vote to raise and appropriate **ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000)** for the purpose of funding the acquisition of communications, furnishings and other equipment for the North/West Fire Substation, construction inspection testing, clerk expenses and other associated costs; and to authorize the use of the June 30 Fund Balance for these purposes.

(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 10 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: 3-1-0) Budget Committee - (Yes: x-x-x)

ARTICLE NO. 12 [RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN AFSCME Local 1801 and THE TOWN OF LONDONDERRY]

To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Town of Londonderry and the American Federation of State, County and Municipal Employees (AFSCME), Local 1801, which calls for the following appropriations for salaries and benefits over what was raised under any current agreements and policies for the employees of the Union:

<u>Year</u>	<u>Cost Increase From Prev. FY</u>	<u>Tax Increase From Prev. FY¹</u>	<u>Total Estimated Annual Cost</u>	<u>Average Rate Incr.</u>
FY10	\$ 47,608.00	\$ 0.01	\$ 47,608.00	3.0%
FY 11	\$ 49,104.00	\$ 0.01	96,712.00	3.0%
FY 12	\$ 43,026.00	\$ 0.01	139,738.00	3.0%

and further, to raise and appropriate the sum of \$ **47,608.00** (\$0.01 on the tax rate) for the FY 10 expenses, such sum representing the additional cost attributable to the increase in salaries and benefits over those of the appropriation at the current staffing levels paid under any existing agreements. (AFSCME Local 1801 represents 19 full time and 2 part time employees, consisting of Public Works employees and Town Office staff support positions.)

(If passed, this article will require the Town to raise an additional \$47,608.00 in property taxes, resulting in a tax rate increase of \$0.01 in FY 10 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: 5-0-0) Budget Committee - (Yes: x-x-x)

¹ Projections are based upon projected assessed values.

ARTICLE NO. 13 [RATIFY FACTFINDER REPORT FOR COLLECTIVE BARGAINING AGREEMENT BETWEEN LONDONDERRY ADMINISTRATIVE EMPLOYEES ASSOCIATION and THE TOWN OF LONDONDERRY]

To see if the Town will vote to accept the Fact Finder’s report for the Collective Bargaining Agreement between the Town of Londonderry and the Londonderry Administrative Employees Association, and in doing so, to approve the cost items within said Agreement, which calls for the following appropriations for salaries and benefits over what was raised under any current agreements and policies for the employees of the Union:

<u>Year</u>	<u>Cost Increase From Prev. FY</u>	<u>Tax Increase From Prev. FY¹</u>	<u>Total Estimated Annual Cost</u>	<u>Average Rate Incr.</u>
FY xx	\$ xx,xxx.00	\$ 0.0x	\$ xx,xxx.00	x.0%
FY xx	\$ xx,xxx.00	\$ 0.0x	xxx,xxx.00	x.0%
FY xx	\$ xx,xxx.00	\$ 0.0x	xxx,xxx.00	x.0%

and further, to raise and appropriate the sum of \$ xxx,xxx.00 (\$0.0x on the tax rate) for the FY xx and FY xx expenses, such sum representing the additional cost attributable to the increase in salaries and benefits over those of the appropriation at the current staffing levels paid under any existing agreements. (LAEA represents 26 full time and 1 part time management and professional positions in eight Departments.)

(If passed, this article will require the Town to raise \$xxx,xxx.00 in property taxes, resulting in a tax rate increase of \$0.0x in FY 10 based upon projected assessed values.)

This article is supported by:

Town Council - (No: x-x-x) Budget Committee - (No: x-x-x)

¹ Projections are based upon projected assessed values

ARTICLE NO. 14 *[AUTHORIZATION FOR SPECIAL MEETING ON COST ITEMS]*

To see if the Town will vote, if Article 13 is defeated, to authorize the Town Council to call one special meeting, at its option, to address Article 13 cost items only.

(This article, if passed will have no tax impact.)

This article is supported by:

Town Council - (Yes: x-x-x) Budget Committee - (Yes x-x-x)

ARTICLE NO. 15 *[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 11th of February, in the year of our Lord, Two Thousand and Nine.

***TOWN COUNCIL
LONDONDERRY, NEW HAMPSHIRE***

Martin Bove - Chairman

Brian Farmer - V. Chairman

Kathy Wagner - Councilor

Paul DiMarco - Councilor

Michael Brown - Councilor

I hereby certify that notice was given to the inhabitants of the Town of Londonderry to meet for the 2009 Town Meeting at the time and place indicated in this Warrant, by posting an attested copy of this document on February 10, 2009 at the Londonderry High School Gymnasium and Cafeteria, the place of meeting, and at the Town Hall, School District Office and Leach Public Library.

David R. Caron
Town Manager

RESOLUTION 2009-01

A Resolution Relative to
***The Acceptance of Conservation Land
from Elliot Health Systems***

First Reading: 01/19/09
Second Reading: Waived
Adopted: 01/19/09

WHEREAS the provisions of RSA 36:A-4 allow the Conservation Commission to receive gifts of money and property, and to purchase property; said property and gifts to be managed and controlled by the Commission; and

WHEREAS Elliot Health System was required to mitigate wetlands impacts resulting from its development on Buttrick Road; and

WHEREAS the Commission may, under the provisions of said State law, acquire in the name of the Town and subject to the approval of the governing body, any property to be conserved and utilized as open space and shall manage and control the same;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Conservation Commission is hereby authorized to accept the donation of Lot 8-22 (High Range Road) by Quitclaim Deed, as may be modified by the Town's Legal Counsel.

Martin Bove - Chairman
Town Council

_____ (TOWN SEAL)
Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
01/19/09

First Reading: 01/19/09
Second Reading/Public Hearing: waived
Adopted: 01/19/09

ORDER 2009-01
AN ORDER RELATIVE TO THE EXPENDITURE
OF MAINTENANCE TRUST FUNDS

WHEREAS voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

WHEREAS the Town has incurred expenses constructing the salt storage facility and repairing the generator at Town Hall; and

WHEREAS these tasks require the expenditure of maintenance funds;

NOW THEREFORE BE IT ORDERED by the Town Council that the Town Treasurer is hereby directed and authorized to expend a total of \$8,340.97 for the aforementioned projects.

Martin Bove - Chairman
Town Council

Meg Seymour

Town Clerk

(TOWN
SEAL)

A TRUE COPY ATTEST:
01/19/09

TOWN COUNCIL MEETING
January 5, 2008

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

PRESENT: Town Council: Vice Chair Brian Farmer; Kathy Wagner; Paul DiMarco; Mike Brown; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Jaye Trottier, Land Use Board Secretary.

ABSENT: Chairman Marty Bove

Budget Members – Jay Hooley; Mark Oswald; Tom Dolan; Tom Freda; Joe Green; Don Jorgensen

CALL TO ORDER – PUBLIC SESSION

Vice Chair Farmer opened the meeting at 7:05 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC HEARING

Vice Chair Farmer entertained a motion to go into a public hearing. Councilor Brown so moved. Paul DiMarco seconded. Council's vote 4-0-0.

Councilor Farmer then passed the gavel to Councilor Wagner, recused himself from the discussion of Ordinance #2008-14 (below) and sat with the general public.

Ordinance #2008-14 – Relative to the Adoption of a Fee Structure for Secondhand Dealers and Pawnbrokers Licenses. Councilor DiMarco read the second reading of a proposed amendment to the municipal code regarding a review the Town's fees to reflect the costs of managing regulations of retail transactions of a pawn or second hand nature. **Councilor DiMarco made a motion to accept the amendment. Councilor Brown seconded for discussion.** No Councilors had any comments. She then asked for public comment. Brian Farmer, 106 Chase Road, asked for the definition of a second hand dealer, specifically if such businesses as consignment stores would be considered a second hand business. Dave Caron stated that the Code Enforcement Officer's interpretation was that it would. In that event, B. Farmer replied, the proposed fees would impact many businesses in Londonderry. D. Caron likened the fees to those imposed on junk yards which are \$250 per year. Councilor Wagner asked if antique stores would be included to which D. Caron stated he believed they would be. Pauline Caron, 369 Mammoth Road, asked if flea markets would be affected, namely the large flea market on Route 102 near the Hudson border. That particular scenario, he replied, was governed by the site plan process. It was further asked if yard sales would be considered under this ordinance but D. Caron said there is already a separate ordinance

regarding those events. Furthermore, those acting as brokers for such auction related entities as eBay would be included, however this would not apply to residents buying or selling directly by themselves. **Councilor Brown motioned to amend ordinance 2008-14 Section 4, Paragraph C, for an annual license fee of \$25. Councilor DiMarco seconded the amendment. Council's vote for the original amendment, 3-0-0. Council's vote for the amended amendment, 3-0-0.** Councilor Wagner handed the gavel back to Councilor Farmer.

PUBLIC COMMENT

Chuck Piper, Trailways Committee, summarized the Safe Routes to School Program. He stated that maintenance would be required all year. Janusz Czyzowski, Director of Public Works, estimated \$35,000-\$65,000 for maintenance of the pathway year round. This was tabled to January 19 for Chuck Piper to further investigate the total costs, and clarification whether the entire path would be required to be maintained year-round, or simply the extension constructed with this grant

Andre Garron, Director, Community Development, presented options for the financing for the Pettengill Road area in the event that the economic stimulus package is not passed. He said a possibility would be to use the TIF financing for the Pettengill Road area. This would involve defining the boundaries for the TIF district. He also presented two alternatives. The first scenario is the TIF district and the majority of this is the airport area, consisting of 1,059 acres. The second scenario is the same as the first but adds a northern piece (Kitty Hawk Landing and an area south of Akira Way) and adds another 300 acres to the proposed TIF area. This includes Grenier/Webster Lane intersection. The Council treated this as a conceptual discussion and stated that their preference would be for scenario one.

OLD BUSINESS

FY10 Town Budget (including Bonds)

ARTICLE NO. 1 *[ELECTION OF OFFICERS]*****

Councilor said that residents can check the website for vacancies.

ARTICLE NO. 2 *[BOND ISSUE FOR REPLACEMENT OF NORTH/WEST SUBSTATION]*****

To see if the Town will vote to raise and appropriate **ONE MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,975,000)** for the purpose of constructing a replacement fire substation in North Londonderry.

Council Wagner motioned to move Article No. 2 to a public hearing on January 19, Councilor DiMarco seconded. Council's vote, 3-1-0 (Councilor Brown opposed).

ARTICLE NO. 3 [BOND ISSUE FOR HIGHWAY RECONSTRUCTION]

To see if the Town will vote to raise and appropriate **ONE MILLION FIVE HUNDRED FIFTY-EIGHT THOUSAND DOLLARS (\$ 1,558,000)** for the reconstruction of roads.

Council DiMarco motioned to move Article No. 3 to a public hearing January 19 for discussion purposes, Councilor Wagner seconded. Council's vote, 0-3-0. Article No. 3 was not moved to the January 19, 2009 public hearing. However, later on during discussion of the operating budget under Article No. 8, T. Freda asked that if the Council would not support the warrant article, whether they would be placing funds into the operating budget for necessary road repairs. Councilor Farmer stated he would be in favor of placing the funds back into the operating budget as opposed to making it a separate warrant article. Public Works Director Janusz Czyzowski explained that with the annual block grant from the State of \$500,000 used for road maintenance, only 3 of the 180 miles of roads in Londonderry would be shimmed and overlaid. Even if the Town opted to add \$200,000 to the State funds as the Council discussed, it would not be an adequate amount to even keep up with repairs currently needed. While he acknowledged that his budget would not be buttressed with the \$1.7 million he says is needed to maintain all of Londonderry Roads, he stated that it would be irresponsible of him not to warn the Council that the \$100+ million already invested in Town roads will be wasted over a short period of time. With \$25 million worth of road repairs presently needed, funding kept at current levels would put the Town in a 65 year cycle of road maintenance for roads that will oxidize and disintegrate after 20 years. D. Caron informed the Council that the tax impact for simply matching the State's \$500,000 would be \$.18. If the \$1.558M of Article No. 3 were bonded over ten years, the tax impact is \$.06 over the first six years and then falls to \$.05. Spending at the \$200,000 level would also be an impact of \$.06, although it would not accomplish what the bond could. After further discussion, Councilors Wagner and Brown reconsidered their earlier points stated they could support Article no. 3 at an amount of \$1 million, although Councilor Brown would support it as the only bond on the ballot and Councilor Wagner would support both this bond and that of Article No. 2 and leave the decision to the voters. Councilor Farmer stated he could endorse the full amount of the bond and Councilor DiMarco agreed. Since a fifth Councilor may be present at the January 19th public hearing, the consensus was to move the article to that meeting and determine any amendment at that time. **Councilor Wagner made a motion to reconsider and move Article No. 3 for \$1.558 million to the January 19, 2009 public hearing. Councilor DiMarco seconded. Council's vote, 4-0-0.**

ARTICLE NO. 4 [BOND ISSUE FOR OPEN SPACE/CONSERVATION PROGRAM]

To see if the Town will vote to raise and appropriate **TWO MILLION SEVENTY EIGHT THOUSAND DOLLARS (\$2,078,000)** for the preservation of open space and/or agricultural land. Said sum is to be placed in the Conservation Fund to be expended

under the
Provisions of RSA 36-A:5.

Councilor DiMarco motioned to move Article No. 4 to a public hearing January 19 for discussion purposes, Councilor Wagner seconded. Consensus of Councilors Brown, Wagner and DiMarco was that we cannot afford this at this time. Council's vote, 1-3-0. Article No. 4 will not be at the public hearing.

ARTICLE NO. 5 [FUND SPECIAL REVENUE ACCOUNTS]

Sewer Division Fund	\$ 2,142,053
Cable Franchise Fee Fund	276,193
Police Outside Detail Fund	<u>435,339</u>
	\$2,853,585

D. Caron explained that these accounts are not funded through property taxation but instead through a fee for service. **Councilor DiMarco made a motion to move Article No. 5 to the public hearing on January 19, 2009. Councilor Brown seconded. Council's vote, 4-0-0.**

ARTICLE NO. 6 [EXPENDABLE MAINTENANCE TRUST FUND]

To see if the Town will vote to raise and appropriate the sum of TWO HUNDRED FIVE THOUSAND DOLLARS (\$205,000) to be placed in the Town's Maintenance Trust Fund created by the voters at the 2003 Town Meeting for the purpose of repairing and maintaining town facilities and to authorize the use of the June 30 Fund Balance in the amount of \$100,000 towards this appropriation.

Councilor Brown made a motion to amend Article No. 6 to raise and appropriate the sum of ONE HUNDRED THOUSAND DOLLARS (100,000) (with the remainder of the wording above to remain the same). Councilor Wagner seconded for discussion. D. Caron stated that revenues lost in the ongoing recession account for half of the 7% increase in the tax rate. In constructing the budget, he explained, one could either reduce services, i.e. personnel, or use more undesignated fund balance for long term financial planning. For immediate tax relief, he advised it is more efficient to cut the appropriation for the maintenance trust for a year and slowly build it back up as the economy improves than to eliminate experienced employees and expend more in time and costs associated with hiring and training any new employees in the future. At last year's Town meeting, \$1.115 million of the \$1.36 million available fund balance was appropriated by the taxpayers. This therefore left an available surplus amount of \$247,841 which was carried forward and remains in the surplus account for this year's process. This year's recommendation for Town Meeting is \$1.156 million and the Town Manager's projection is that \$429,000 will be left with in available surplus funds after the proposed FY10 budget is implemented. Another \$2.3 million of surplus remains fenced

for cash flow and contingency purposes. Councilor Farmer clarified the distinction between the amount of excess undesignated balance funds, i.e. "available funds" versus the amount set aside that is not touched, i.e. the "fenced amounts".

Councilor Farmer called for a vote on Councilor Brown's motion to amend Article No. 6. Council's vote, 4-0-0.

Councilor DiMarco made a motion to move Article No. 6 as amended to the January 19, 2009 public hearing. Councilor Wagner seconded. Council's vote, 4-0-0.

ARTICLE NO. 7 [CREATION OF SPECIAL REVENUE FUND TO SUPPORT TOWN COMMON/FOREST ACTIVITIES]

To see if the Town will vote to adopt the provisions of RSA 31:95-c to restrict 100% of revenues from the Nelson Road Cell Tower Lease to expenditures for the purpose of supporting and maintaining the Town Common/Forest and related activities, including Old Home Day, Morrison House, Heritage Commission, Conservation Commission stewardship responsibilities and Arts Council. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Town Common Special Revenue Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue." (Ballot vote required).

D. Caron explained that if approved, this would establish an entirely new special revenue fund to designate lease revenue funds from the Nelson Road cell tower which will total \$24,000 a year. These monies could either add to what the current operating budget allots for such items as Old Home Day or could offset those line items. The NH Department of Revenue Administration, however, interprets the governing RSA 31:95-c differently than the Town Attorney and does not agree that cell tower revenue can be spent on anything other than tower related expenses. D. Caron stated that the Town Attorney is still working with the DRA to resolve the issue and is confident that the Town Council will be able to use the lease income towards the Town Common/Forest activities. Councilor Brown verified with D. Caron that the Town Attorney's interpretation included the new addition of the Conservation Commission stewardship responsibilities. D. Caron replied affirmatively. T. Dolan noted that while the Budget Committee did not reach a consensus on the issue, he wanted to state that some Committee members did not approve of earmarking said funds for purposes other than offsetting expenses in the general fund for immediate tax relief. Councilor Farmer noted that this first year's revenue from the cell tower which began in November of 2008 will be used in part to purchase equipment for the Fire Department for that tower but that the remaining amount has not been earmarked and will go into the general fund with the intent of immediate relief. D. Caron clarified that if the special revenue fund is approved at Town Meeting, those funds would no longer be available to flow into the general fund, but that current expenses in the operating budget could be modified, thus providing that relief. He stated that a flow chart will be developed and made available to the Council for their January 19th meeting. **Councilor Farmer entertained a motion to move**

Article No. 7 to the January 19, 2009 public hearing. Councilor DiMarco so moved. Councilor Brown seconded. Council's vote, 4-0-0.

ARTICLE NO. 8 *[FISCAL YEAR 2010 TOWN OPERATING BUDGET]*

To raise such sums of money and make appropriations of the same as may be necessary to defray Town charges, exclusive of warrant articles and increases resulting from collective bargaining agreements, for the ensuing fiscal year, July 1, 2009 through June 30, 2010.

Councilor Farmer summarized that the result of all previous discussions since the beginning of FY2010 budget season were the three scenarios of approving the Town Manager's default budget, the default budget minus 1% or the default budget minus 2%. In order to present a final figure at the January 19, 2009 public hearing, he stated that the Council had to provide D. Caron with their final direction at this meeting. Councilor Farmer began with a request for any consensus on the Council's part for a subject they previously broached but received no definite response; a freeze in COLA's and pay adjustments for Town staff. Wages, salary and benefit increases total over \$300,000 in the current budget. Such a request would require approval from the various collective bargaining units. Councilors DiMarco and Wagner supported the idea but expressed a lack of enthusiasm towards pursuing the topic because it would assuredly meet with little support and therefore the Council's energy would be better spent on other attempts for budget reductions. When Councilor Wagner stated she felt it was too late in the game to pursue the idea, Councilor Brown disagreed, asking why it would be too late. D. Caron indicated that a non-public session would be required to speak to the issue. **Councilor Brown made a motion for the Council to enter into non-public session per RSA 91-A:3. Councilor Wagner seconded. Roll call vote: Aye, Kathy Wagner; Aye, Paul DiMarco; Aye, Brian Farmer and Aye, Michael Brown.** The Council members adjourned into non-public session, left the Moose Hill Conference Room at 10:20 PM and assembled in the Woodmont Conference Room. The members returned to the Moose Hill Conference Room at 10:38 PM. Councilor Farmer announced that the Council was entering back into public session under Old Business. He then noted that the result of the non-public session was to direct D. Caron to approach each of the collective bargaining units with a proposal to adopt a wage freeze for the coming fiscal year.

Councilor Farmer asked for further input on the budget as a whole from the Budget Committee members present. Don Jorgensen asked D. Caron if he anticipated any carryover from the December 2008 ice storm into the FY10 budget. D. Caron replied that the Town will have to absorb the local share of any associated expenses which total roughly \$250,000 to date. That would mean approximately 25% (\$62,500) would need to be fenced in the operating budget from this year. Public assistance resulting from President Bush's declaration of a disaster area will provide the Town with the remaining 75% of eligible expenses. A separate component, the clean up of debris, will be brought to the Council's attention in the very near future and could easily double the \$62,500 figure. J. Green revisited the potential of reducing the gasoline budget due to recent price decreases. Councilor Farmer provided some research regarding projected increases in

gas prices, showing that expectations are for gas to remain under \$2.00/gallon through 2009. Using a conservative estimate of \$2.50/gal for regular and \$2.80/gal for diesel, \$60,000 could be removed from the default budget for the line items under general government and the highway department combined. T. Dolan summarized that between a \$25,000 reduction in the gas line item discussed at a prior workshop, a total of \$85,000 would be saved. Seeing that no Councilors or Budget Committee members had any proposals for further reductions in the Library budget, Councilor Farmer asked Library Director Barbara Ostertag-Holtkamp if she had any further reductions to offer. She replied that since the budget was first formulated, events including a change in health insurance from a single to a two person plan for one of the staff and the acceptance of another into library school, the Library budget is already short nearly \$11,000, which they are prepared to accept.

Councilor DiMarco presented his own recommendations for further reductions totaling \$205,000. The first was a reduction in Councilor stipends to \$1 for each member. Currently stipends and associated benefits for the five Councilors total \$11,303. Since the Town Charter does not speak to any prohibition on decreasing in this line item, all four Councilors stated they would be willing to do so. D. Caron and S. Hickey explained the need to keep the stated line item amounts for Town Manager department overtime, Town Manager department printing services, internet access, the recreation budget and hydrant services. When the question of reducing the amount put towards mosquito control (\$74,800) was brought up, D. Caron further stated that that amount had already been eliminated from the budget. Ground maintenance under the General Government management services, however, could be cut by 10% or \$6,300. He would also look into Councilor DiMarco's suggestion that the Solid Waste newsletter be placed on the website rather than printed, which would also save money on postage. That result in a total reduction of \$4,475. Another discussion ensued regarding the \$81,000 put towards charitable giving. After much deliberation, no specific recommendation was forthcoming at this time. Councilor Farmer summarized that total reductions made at this meeting below the default budget stood at \$77,598 (i.e. additional gas decrease, Councilor stipends and ground maintenance). Following more discussion, it was agreed that if the Town Manager could find an additional \$23,500 to remove from the default budget, the total percentage below default would stand at 1.8% and such a percentage would be acceptable to the Council.

ARTICLE NO. 9 *[APPROPRIATE FUNDS TO CAPITAL RESERVE FUNDS TO REPLACE AMBULANCES, HIGHWAY HEAVY EQUIPMENT, FIRE TRUCKS AND HIGHWAY TRUCKS]*

To see if the Town will vote to raise and appropriate the sums set forth below to be placed in capital reserve funds already established:

Ambulances	\$ 45,000
Highway Trucks	\$ 80,000
Highway Heavy Equipment	\$ 40,000
Fire Trucks	<u>\$ 160,000</u>
	\$ 325,000

Councilor Brown asked D. Caron to present the amendment to this article as previously discussed by the Council. D. Caron explained that instead of raising \$325,000, the Council had proposed raising only \$225,000 in FY2010 and to authorize the use of the June 30 Fund Balance in the amount of \$100,000 towards this appropriation. The end result would be that in the current fiscal year, the Town invested \$325,000 in tax dollars for the four purposes listed above which would equal a \$.10 tax impact. That would be reduced in FY2010 to \$125,000 to be raised through taxes and then with the proposed recovery plan, use \$175,000 in tax dollars in FY2011, \$250,000 in FY 2012 and \$400,000 in FY2013. He added that available surplus funds have been used in recent years to infuse more into the Capital Reserve Fund if replacement costs are higher than what was expected and that the Council could consider doing so again if need be.

Councilor Brown made a motion to amend Article No. 9 to have the Town appropriate \$225,000 in FY10 and authorize the use of \$100,000 from the Undesignated Fund Balance, resulting in a \$.04 tax impact. Councilor DiMarco seconded. Council’s vote

4-0-0. Councilor Wagner then made a motion to move Article No. 9 as amended to the January 19, 2009 public hearing. Councilor DiMarco seconded. Council’s vote, 4-0-0.

ARTICLE NO. 10 [PAGE ROAD/RTE 28 INTERSECTION]

To see if the Town will vote to raise and appropriate **ONE MILLION SEVEN HUNDRED FIFTY EIGHT THOUSAND DOLLARS (\$1,750,000)** for reconstruction of the Page Road/Rte 28 intersection and the installation of traffic signals at that location; to be financed in the following manner:

Use of the June 30 Fund Balance	\$ 400,000.00
Rte. 28 West Impact Fees	\$ 183,000.00
Aid Reconstruction Fund	<u>\$ 1,167,000.00</u>
	\$1,750,000.00

Councilor Brown asked D. Caron to clarify to the general public that this project would be unlike the Stonehenge Road/Mammoth Road in that it will be managed by the Town itself and not be governed by a timetable generated at the State level. D. Caron acknowledged that because the Town will utilize its own cash flow and be reimbursed afterwards by the State, the Town will have control over the development. While that would mean a loss in interest on the Town’s cash flow, it would be far less than the increased cost associated with a longer and uncontrolled time table. **Councilor Wagner made a motion to move Article No. 10 to the January 19, 2009 public hearing. P. DiMarco seconded. Council’s vote, 4-0-0.**

**ARTICLE NO. 11 [FIRE FACILITIES
RELOCATION/INSPECTION/EQUIPMENT & FURNISHING COSTS]**

To see if the Town will vote to raise and appropriate **ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000)** for the purpose of funding the acquisition of communications, furnishings and other equipment for the North/West Fire Substation, construction inspection testing, clerk expenses and other associated costs; and to authorize the use of the June 30 Fund Balance for these purposes.

D. Caron answered the question raised by Councilor Wagner regarding the included cost of the Clerk of the Works for this project, explaining that the \$120,000 figure reflected a reduction from \$70,000 in the previous budget to \$15,000 for this project. The higher amount reflected the fact that the Clerk was committed to several Town projects at one time whereas this project would be the only one. M. Brown stated that since he did not support expending funds for Article No. 2, he could not support this associated article. **Councilor DiMarco made a motion to move Article No. 11 to the January 19, 2009 public hearing. Councilor Wagner seconded. Council's vote, 3-1-0, with Councilor Brown voting no.**

Councilor Farmer indicated that Article No. 12 would be addressed at a later date and that Article No. 13 had previously been moved to the January 19, 2009 meeting.

NEW BUSINESS

No new business was discussed.

APPROVAL OF MINUTES

Minutes of the Council's December 22, 2008 Public Meeting

Councilor Brown requested an amendment be made under Old Business, that line 85 be changed to reflect the fact that he did not recommend "rolling the \$26,500 for CART out of the operating budget," but instead simply asked the Council to discuss whether it should be considered to do so. **Councilor Wagner made a motion to accept the minutes from the December 22, 1008 meeting as amended. Seconded by Councilor DiMarco. Council's vote 4-0-0.**

OTHER BUSINESS

No Liaison Reports were offered. The Town Manager stated that he had no additional reports to discuss at this time.

Board/Committee Appointments/Reappointments-

Councilor Wagner made a motion to re-appoint Mary Wing Soares as a Full Member to the Planning Board, term to end 12/31/2011. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to re-appoint Rob Nichols as a Full Member to the Planning Board, term to end 12/31/2009. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to re-appoint Art Rugg as a Full Member to the Planning Board, term to end 12/31/2011. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor DiMarco made a motion to appoint Cole Melendy as an Alternate Member to the Planning Board, term to end 12/31/2011, based in part on his background in civil engineering. Councilor Wagner seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to appoint Vicki Keenan as a Full Member to the Zoning Board of Adjustment, term to end 12/31/2011. Councilor Brown seconded. Council's vote, 4-0-0.

Councilor Brown made a motion to re-appoint Michael Gallagher as an Alternate Member to the Zoning Board of Adjustment, term to end 12/31/2011. Councilor Brown seconded. Council's vote, 3-0-0 (Councilor DiMarco recused himself).

Councilor Brown made a motion to appoint Matthew Neuman as an Alternate Member to the Zoning Board of Adjustment, term to end 12/31/2009. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to re-appoint David Lee Colglazier as a Full Member to the Heritage Commission, term to end 12/31/2011. Councilor DiMarco seconded. Council's vote, 3-0-1 (Councilor Brown recused himself).

Councilor Wagner made a motion to re-appoint Jim Schwalbe as a Full Member to the Heritage Commission, term to end 12/31/2011. Councilor DiMarco seconded. Council's vote, 3-0-1 (Councilor Brown recused himself).

Councilor Wagner made a motion to re-appoint Sue Joudrey as a Full Member to the Heritage Commission, term to end 12/31/2009. Councilor DiMarco seconded. Council's vote, 3-0-1 (Councilor Brown recused himself).

Councilor Wagner made a motion to re-appoint John Dahlfred as a Full Member to the Heritage Commission, term to end 12/31/2010. Councilor DiMarco seconded. Council's vote, 3-0-1 (Councilor Brown recused himself).

Councilor Wagner made a motion to appoint Laura McIntyre as an Alternate

Member to the Heritage Commission, term to end 12/31/2010. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to re-appoint Ken Henault as a Full Member to the Conservation Commission, term to end 12/31/2010. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to re-appoint Deb Lievens as a Full Member to the Conservation Commission, term to end 12/31/2011. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to re-appoint Paul Nickerson as a Full Member to the Conservation Commission, term to end 12/31/2011. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to re-appoint Mike Considine as a Full Member to the Conservation Commission, term to end 12/31/2009. Councilor DiMarco seconded. Council's vote, 4-0-0.

Councilor Wagner made a motion to re-appoint Mark Oswald as an Alternate Member to the Conservation Commission, term to end 12/31/2011. Councilor DiMarco seconded. Council's vote, 4-0-0.

An alternate seat remains available for the Heritage Commission. Tom Bianchi had expressed interest but was unable to meet previously with the Council to be interviewed. The Council asked D. Caron to invite T. Bianchi to the next meeting if he is still interested.

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 12:25 PM. Second, Councilor DiMarco Council's vote 4-0-0.

Notes and Tapes by: Jaye Trottier Date: 1/05/09

**Minutes Typed by: Jaye Trottier
Cathy Dirs Date: 1/08/09**

Approved: Town Council Date: