

**TOWN COUNCIL MEETING**  
**March 02, 2009**

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

**PRESENT: Town Council: Chairman Brian Farmer: Vice Chairperson, Kathy Wagner; Councilors, Mike Brown, and Paul DiMarco; Town Manager Dave Caron; and Margo Lapietro, Executive Assistant.**

**CALL TO ORDER – PUBLIC SESSION**

Chairman Farmer opened the meeting at 7: 02 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country, firefighters and police officers serving this community and around the country.

**PUBLIC COMMENT**

**Municipal Awards Presentations**

*Sean O’Keefe, Tom Freda and Joe Green* Budget Committee (Acrylic Clock) Mike Brown presenting

*Steve Fassi*, Conservation Commission (Acrylic Clock) – Brian Farmer presenting

*Gladys Frederick*, Elder Affairs Committee (Acrylic Clock) Paul DiMarco presenting

*Greg Warner*, Planning Board (Acrylic Clock) – Kathy Wagner presenting.

*James Herrick*, Solid Waste Advisory Committee, (Acrylic Clock) - Paul DiMarco presenting

*Robert Collins* Trustees of Leach Library (Acrylic Clock) – Paul DiMarco presenting

*Mark Officer*, Zoning Board of Adjustment (Acrylic Clock) – Councilor Mike Brown presenting

Housing Taskforce, (Engraved Pen/Pencil Set) – Kathy Wagner presenting:

*Marty Bove*

*Deb Lievens*

*Jon Weigler*

*Rob Nichols*

*Mike Speltz*

*Giovanni Verani*

*George Herrmann*

*Al Baldasaro*

*John Michels*

*Earl Rossi*

**Volunteers of the Year** – Project P.L.A.Y. (Inscribed NH Shaped Plaque) presented by Brian Farmer:

*Kerin Brown*

*Julie Grossage*

*Jessica Lewis*

*Darlene Dawson*

*Stephanie Holcombe*

*Lara McIntyre*

*Debbie DePasse*

*Lisa Jean*

*Erin Murray Seaman*

*Sarah Fegan*

*Rebekah Labell*

*Sarah Ward*

**Volunteer of the Year** - Al Baldasaro (Inscribed NH State-Shaped Granite) presented by Kathy Wagner.

**Citizen of the Year** – A.L.E.R.T. TEAM (Inscribed NH State-Shaped Granite) presented by Paul DiMarco

**Marty Bove** – Fleece Jacket and Clock/Desk Pen Set for Serving Three Terms on the Town Council. Presented by Brian Farmer.

**2009 Town Meeting – Warrant Review.** Town Moderator Cindi Rice Conley reviewed the Warrant Articles with Councilors to determine who was going to read, second and describe in detail the article.

Marty Bove 3 Tinkham Lane said he feels the Town government is being burdened unfairly with all the cuts. The Town is who people complain to about their tax bills. The Town is the only one who comes up with other revenues; that is a big burden to carry alone. You have asked Town employees to take pay cuts, the school and town are separate. The school is under SB2 and the only time the school budget can be cut is at the deliberative session. Nobody showed up for it. The whole Town should have to have cuts it should not be just the town employees. He said over the years he has received numerous complaints about school funding, he said we should look at them in a time of crisis. He knows there is nothing we can do about it this year but he encouraged the school to cut their budget and hopefully give back some monies. The School Board supported the COLA's for their employees, that sends out different messages to the taxpayers. He said it is not the school or town's fault, it is the taxpayers' fault for not showing up at the School Board meeting. He proceeded to commend the Council for the difficult task they are faced with.

### **OLD BUSINESS**

**School-Town Collaboration** – Greg Warner, 10 Pendleton Lane, stated that he does not think that putting the Cable under control of the school board is a good idea. He said the school has tremendous resources already. The Cable Dept. has an exemplary manager, replacing her with two part-timers is an absurdity. He said he would like to see his cable money go to the Cable Center and have it administrated as it currently is.

Dan Gable 41 Sparhawk Drive, said he is a flight test engineer. He proceeded to say that Londonderry has a great gift in the Access Center; it is modern, well equipped and a great place for people to develop their own films and a great place for people to put out their views. Expertise and specialization cannot be replaced, it takes experienced personnel who not only understand the present technology but those in the past including, contract detail and relationship in those fields. He stated no change is required and the proposed changes will cost us more. Suggested that the students first have LHA classroom followed by properly scheduled, fully supervised time at the studio. He said he does not think security was an issue. Marty Bove, 3 Tinkham Lane said he was concerned about the control the school will have over programming. He passed out a memo from Nate Greenberg dated 2/12/09 addressed to Dottie Grove. It asked Dottie to have all school programs including sports, school programs, concerts, etc... exclusively shown on LEO 21. He said most school programs were taped by school personnel, but at times volunteers were asked to tape/broadcast the school program on other channels than LEO 21. He said he asked the Town Manager if the Access Center equipment was used by a volunteer to tape or broadcast the school activity that there was any prohibition against it exclusively being broadcast on LEO 21. He felt it was not the person or equipment that dictated said distribution but the purpose. The memo went on to say if there was no prohibition from Dottie then all programming will be aired on LEO 21. M. Bove proceeded to say that he has been involved in the Cable Access Center for many years. He was involved in filming a lot of sporting events

which was all done by volunteers for years. For years these films were shown on LEO 20, it was never prohibited from LEO 21 but it was shown on LEO 20 because that was where the volunteers got the equipment and that was where they learned how to produce it and show it. He objected to LEO 21 because if there is a limitation to only shows being put on LEO 21 that are at the school, there is a prohibition of only Londonderry Access which is against freedom of speech and press. He said if people who go to these public events and want to tape them and show them on LEO 20 they have every right to do so. If they are going to be prohibitive from doing that then all the press including Channel 9 should be prohibited. The school should not make a decision as to what, where and when shows are being aired. He said that was a major concern of his and of a lot of other people. Chairman Farmer stated we are here to look at the school/town collaboration we are not here to look at school policy. Councilor Wagner said the school is part of the community as well as the Town, refrain from getting personal, keep to the facts. M. Bove said that is a fact, it is public. Councilor Wagner said that there are personnel and communication problems at the Cable Access Center. Peggy Connors, 13 Rossini Road said the town has tremendous assets. She said we hire someone for a position because they have the education and experience to do it. We have the best cable director. Bill Jennings, from Bedford LACTV said Dottie is moving in a new direction. He said councilors from Bedford could be out of state and listen, watch and participate in Town Council meetings on the internet. That is the direction Dottie is moving in. Judi Walsh, 18 Hazelnut Lane said she has volunteered at the Access Center for the past 15 years. She asked why the town should give up control of the Access Center to more control by the school. She stated she was surprised at Ms Wagner's comment to something that was not even addressed tonight. She was surprised to hear from M. Bove that the Superintendent of Schools had direct communication with the Dir. of the Access Center. She thought the contact should be the Town Manager because he oversees the Access Center. She asked if this is a town asset that should be monitored and taken care of between the school and town or is it a town asset that the town should keep control of. She stated that the Town Manager is in charge of the budget and the Access Center and wanted to know if he suggested this collaboration and why is this issue on the table now. Councilor Farmer responded Town Manager Caron did not suggest this collaboration; he proceeded to explain the members of the School Board and Town Council met 3 years ago to expand the collaboration and look for ways that would be meaningful, provide expertise in areas that needed it, and look for opportunities of savings. The Cable Access Center is the third major effort to follow up on this idea. The first one was several months studying IT needs which resulted in no specific way to collaborate. Council and the School District hired a consultant to look at Finance and HR groups, that came back with a report that there were no advantages to be gained. The Council and School Board members discussed the report and saw that the only other area not looked at was cable. They had a joint session with the Town Council and the School District and asked them to see if there were any advantages to combine the cable with the school. Town Manager Caron and Superintendent of Schools Nate Greenberg met very often with direction from Town Council and came back with this proposal. J. Walsh proceeded to question where she could find details of the meetings and questioned where the collaborative effort was because she said most of the responses in the contract came from the school. After much discussion Chairman Farmer said the proposal was made under the direction of Town Council to look for tax savings to the taxpayers.

At this point in the meeting Town Manager Caron said he had received seven questions from the Council about the merger dealing with the finance of the cable budget and the Council's authority in establishing hours or establishing an advisory board.

Finances - In summary the Council could not under the current arrangement without using the surplus in the Cable Fund the Council re-direct an additional \$40K per year from the cable franchise fees to the general funds and still pay for all the services which are currently provided to the Cable Center. The Councils' budget plan to allocate in FY10 4% of the franchise fee to the cable fund and 1% to the General Fund; that 4% is sufficient to fund the current budget. Council cannot take \$40K more unless they start using the Cable Surplus fund which as of 6/30/08 was \$360,457.

Hours –The Town Manager or the Town Council has the authority to limit the hours of the studio to students or the general public. That can be done with or without an agreement.

Cable Advisory board – The Town Council can establish a Cable Advisory Board outside of an agreement with the School District. The Council under the Town Charter has the authority to establish committees/commissions as it deems desirable.

All Expenses Covered by Cable Franchise Fees – Town Manager Caron said he just spoke about that and they are all covered.

Use of Cable Studio by the School – If the Council approves the agreement the center will be used exclusively by students from 8:00AM – noon only when school is in session.

George Herrmann said he wished this many people had shown up for the school deliberative session when they were eliminating 15 teacher jobs and 14 jobs throughout the district. The proposal was asked for by the School Board and the Town Council. Superintendent of Schools Nate Greenberg addressed some issues that were raised last time he was here. Sunday working hours – checked with his attorney and if they hire someone whose work hours include Sunday the School does not have to pay double or time and a half. The only exception to that would be a negotiated bargaining agreement, people at the Access Center would be classified as “non-affiliated” employees, non-union members

He addressed the question of the School District's employees managing the Access Center and proceeded to give the backgrounds on expertise in the school district. They have combined a total of 38 years of experience and he reviewed the background of the experienced experts who helped him put together the contract. He also gave a background of the schools scheduling expertise. He stated the Access Center would be open 65 ½ hours, school use will impact only 15 hours. He reviewed the channel schedule. N. Greenberg thinks it is a viable proposal put together by both boards. LEO 21 is an educational channel, there is no reason why school sports, etc shouldn't be run on 21. They are moving ahead with on demand video and virtual classroom which will be a benefit to the community and he said is looking towards the future. Chairman Farmer clarified that if a volunteer in town wanted to tape an event at the school district and show it on Channel 20 that they would not be allowed to? N. Greenberg responded that he has been told that if people use cable access equipment they have to show the recording on 20 not 21. The School Department's point of view is that school related programs should be shown on 21. Every year they have to get permission from the parents if they want their children's image in a picture or shown someplace. He mentioned they could be running into problems by running school programs on 20. Councilor Wagner said when she went into schools, parents have gotten very concerned about picture taking. She said she has to have approved forms to allow her to take pictures of children. Dottie Grover verified, they have to get permission as well, it has been going on for at least 20 yrs. She stated that they do not tell people if they use access equipment it

has to be used only on 20. She does tell them that if they use access equipment it has to be on access TV. She said she then explains the difference between public, education and government channels. She does explain how to get a program on LEO 21, it is part of the community. N. Greenberg said the point he was making is that the perception people had which is what he related. D. Grover said the orientation is in writing. Chairman Farmer said people perceive things differently. Chairman Farmer asked G. Herrmann if the School Board has reviewed and approved this policy. He said they have reviewed the policy individually but have not had a public discussion, they feel it is the right way to go. Councilor DiMarco said he was not familiar with the operations of the cable department. He said he felt at the first meeting it was a good proposal, now he is not so sure which is why he asked for it to be tabled until tonight. He learned a lot more about it and realized what a real gem it is to the community both with the directors and volunteers. He said there is some history between the two departments and he would like to see the differences worked out. The students are citizens as well in this town, they are the future of the cable industry. Councilor DiMarco **make a motion to leave things the way they are with the Town running the Cable Access Studio under the Town Manager and to not accept this proposal. Second made by Councilor Brown.** Councilor Wagner agreed with Councilor DiMarco that everyone has to work together. Councilor Brown agreed with Councilor DiMarco he said he is not in favor of going forward with the proposal as it stands. He said he agrees with the student use of the cable studio from 8:00 AM – noon and would like to direct the Town Manager to make that happen. Adults involved on both sides will manage it. Chairman Farmer said he has the same concerns, there is room for improvement on both sides of the equation, how we get there we need to figure it out and does not support going ahead with the proposal. **Council's vote of not going forward with the proposal, 4-0-0.**

Chairman Farmer asked if we need to have a cable advisory board that looks at joint issues and is there a recognized need for those operating hours. D. Grover said there is always need for improvements. She said she would like a chance to sit down and talk with the school. She listed alternatives in her memo dated 2/27/09 to Chairman Brian Farmer which would involve scheduling in different ways like doing more work in the classrooms. N. Greenberg responded no. D. Grover continued with her alternatives. Later N. Greenberg apologized for his outburst but said one of the issues of the Access Center was the utilization by the students. They are only asking for 15 hours which is enough time to share that facility. Chairman Farmer asked G. Herrmann to bring a suggestion to the School Board: consider designating two representatives from the Council and two representatives from the School Board to meet with the Superintendent and the Manager at some point in the coming weeks after the elections. It will give us an opportunity to look at issues.

**Economic Development Update** – Town Manager said the goal tonight is that he and Community Development Director Andre Garron thought about using a PowerPoint presentation as a baseline for the presentation at Town Meeting. They requested that Council give input as to what else they should include in the presentation. A. Garron said it was geared to Economic Stimulus as presented to the Governor, Sen. Shaheen and Rep. Shea-Porter. It will be used to update the community. Councilor Wagner said it was originally used as a marketing tool. The general public will want to see the phasing, the “Challenge Statement” should explain why we have decided to construct the infrastructure and what Londonderry will get out of it. A. Garron said he will explain what is a bond and what is a TIF. He said he will look at all the scenarios we are currently examining so people can understand it. Councilor DiMarco suggesting having the first slide draw attention to the center of Londonderry to show where we are in relation to the

Pettingill area. Councilor Brown suggested the “Project at a Glance” slide should show how you got the statistics like 600 jobs that are listed. Chairman Farmer said due to the fact that the original Pettingill presentation is on line do not have pass-outs. He also suggested adding the studies that support the information on that slide be added to the bullet points. Source of the claim and the expertise of the claim should be indicated. Councilor Brown also suggested including any slides related to the activities that this Council and Staff has undertaken to try to receive stimulus funds for this project. Councilor Wagner suggested during the presentation to make it clear this project is vital to the town and why we feel it is important to have bonding or TIF in place. A. Garron confirmed that is what he wanted to make clear in the presentation. Councilor Brown asked Town Manager about the \$210M to build a fire station from the stimulus money and how is that shovel ready to create jobs. Town Manager Caron responded the stimulus package was distributed to a number of different areas; one of those areas is for fire station construction, which was allocated \$210M nationwide. It is limited to \$15M per station. Rules are to be published in September. Councilor Brown said there are obviously construction jobs but once the station is finished the existing employees move in, it does not sustain the creation of jobs. Chairman Farmer said economic development is coming to that end of Town, one of the things that is key to that is infrastructure and the ability to protect that investment. Councilor Wagner said the frustration is that when the stimulus package was sold Pettingill Rd is the gold standard for the original stimulus package; shovel ready, in the ground will produce jobs immediately and continued to produce professional jobs. It was the best package for us to go forward on and the stimulus money has gone in other directions. Councilor DiMarco said if that money is out there if there is an opportunity, then go for the money. He suggested in the “Solution” page have more flow show factual multiplier information. Page Road/Rte 28 will be brief. Councilor Wagner asked if they were going to allow questions from the floor and Town Manager Caron said it is beneficial if people have concerns to hear about them. M. Oswald, 11 Verdi Lane applauded Andre, Janusz, Dave and the Council for their foresight and pro-active measures with the stimulus. Every federal delegate has been contacted about the stimulus package. His questioned if there is some mechanism maybe through the website, to encourage taxpayers to write to Gov. Lynch to encourage them to earmark money for Pettingill Rd. in Londonderry. He suggested providing taxpayers with postcards to mail to their reps. He asked if the state reps. and state senators are involved? Chairman Farmer replied yes. Council Wagner said Sharon Carson has been actively involved as well as Sherm Packard.

**Special Revenue Fund – Allocation of Revenues** – Town Manager Caron said somebody at Town Meeting will ask the question about how these funds will be distributed and what the funds are being used for. Councilor Wagner verified that the funds were from the cell tower, Town Manager Caron responded yes. M. Oswald, 11 Verdi Lane asked Council to consider withdrawing the \$200K from those funds and apply to Open Space. His concern was the safety of our water supply. A public water supply for the town is cost prohibitive. Mike Speltz, a member of Cons. Comm said the land use change tax is not prudent to use invested accounts for operating accounts. Most of their agreements take many years to come about. Andy Mack is ready to sell but he is watching what the Council is doing. Conservation is a long term problem that requires long term support. Don’t comprise the investment account to make good on the operating account. Discussion ensued about withdrawing the money from the Conservation Fund just for one year.

Councilor Wagner asked when will we prioritize our revenue list? Chairman Farmer said the consensus was to wait until we get the final figures at the end of June.

## **NEW BUSINESS**

### **Section 504 – Self-Evaluation Plan**

Town Manager Caron said this is a review of the handicap accessibility in Town. It needs to be updated to comply with the Community Development Block Grant regulations. We just recently completed the Wagon Wheel CDBG project. He said he is requesting the Council adopt this updated 504 Self Evaluation Plan for Handicap. **Councilor DiMarco made a motion to accept the plan, seconded by Councilor Wagner. Council's vote 4-0-0**

## **APPROVAL OF MINUTES**

Minutes of Council Public Meetings of February 2,4,5,9 and 23, and non-public meetings of February 4 and 5.

**Councilor Wagner made a motion to accept the Town Council's Public Meeting minutes of 2/2/09. Second by Councilor DiMarco. Council's vote 4-0-0.**

**Councilor Wagner made a motion to accept the Town Council's Non-Public Meeting minutes of 2/4/09 and unseal the minutes. Second by Councilor DiMarco. Council's vote 4-0-0**

**Councilor Wagner made motion to accept the Town Council's Public Meeting minutes of 2/4/09. Second by Councilor DiMarco. Council's vote 4-0-0.**

**Councilor Wagner made a motion to accept the Town Council's Public Meeting of 2/5/09. Second by Councilor DiMarco. Council's vote 4-0-0.**

**Councilor Wagner made a motion to accept the Non-Public Meeting minutes of 2/5/09 and seal the minutes indefinitely. Second by Councilor DiMarco. Council's vote 4-0-0.**

**Councilor Wagner made a motion to accept the Town Council's Public Meeting minutes of 2/9/09. Second by Councilor DiMarco. Council's vote 4-0-0.**

**Councilor Wagner made a motion to accept the Town Councils Public Meeting minutes of 2/23/09. Second by Councilor Brown. Council's vote 3-0-1.**

## OTHER BUSINESS

Liaison Reports – Councilor Wagner said Old Home Day is moving along. They are concerned about losing money from sponsorship. They will cut events if need to. Warm Homes is holding a fund raiser on March 28 at the Lions at 7:00 PM, cost is \$25/person. It is a Medieval Theme. On 3/11/09 the Elliot is coming to the Planning Board to move forward with an additional 60 thousand s.f. building. Urgent Care is talking about expanding.

Councilor Brown went to the ZBA meeting in February because they were going to elect their officers for the year. They also had a workshop with the Assistant Building Inspector about items that were of interest to the ZBA as well current laws and updates on RSA's. It was an excellent workshop, well attended. He offered to attend their meetings if they needed a liaison. The new Chair is Vicki Keenan.

Town Manager Reports – The Town Meeting information book will be available at the close of the polls on Tuesday.

Board/Committee Appointments/Reappointments

Re-appointment of Deborah Nowicki to a Full Membership on the International Exchange Committee, term to end 12/31/11. **Councilor DiMarco made a motion to appoint. Second by Councilor Brown. Council's vote 4-0-0.**

## ADJOURNMENT

**Councilor Wagner made a motion to adjourn at 10:10 PM Second, Councilor DiMarco Council's vote 4-0-0.**

**Notes and Tapes by: Margo Lapietro Date: 03/02/09**

**Minutes Typed by: Margo Lapietro Date: 03/11/09**

**Approved; Town Council Date: 03/16/09**