

**TOWN COUNCIL MEETING**  
**June 22, 2009**

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

**PRESENT: Town Council: Chairman Mike Brown: Vice Chairperson, Kathy Wagner; Councilors: Paul DiMarco, Sean O’Keefe, Brian Farmer (7:26 PM); Town Manager Dave Caron; Executive Assistant, Margo Lapietro.**

**CALL TO ORDER – PUBLIC SESSION**

**Chairman Farmer opened the meeting at 7: 03 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.**

Due to late arrival of Councilor Farmer it was agreed that Council would begin the meeting with Public Comment.

**PUBLIC COMMENT**

State Rep. Al Baldasaro, 41 Hall Rd gave an update of possible budget items from the State:

- DMV fees to go up \$30.00 or more per vehicle.
- Out of state fees for gun permits going up
- If an individual wins up to \$600.00 in gambling in or out of state, there will be 10% tax applied.
- Retirement costs for the Town and the school will be higher.
- Room and Meals tax will go from 8% to 9%.
- Camping fees are being charged a 9% tax.

Councilor O’Keefe asked Town Manager Caron what the percentages are for the town’s share of retirement rate increases. Town Manager Caron responded the rates are staying the same for this coming year, however the State made a promise to municipalities and school districts years ago to pay 35% of the retirement costs for police, firefighters and teachers. The State has decided to reduce that to 30% in FY10 and 25% in FY11. Police and Fire departments will have to find another \$80K in their FY10 budgets to cover that shortfall. The school’s shortfall will be about \$180K. The House proposed that the shortfall be assumed by the employees however the Senate rejected that, with no compromise forthcoming. Chairman Brown asked him what will Londonderry have to do to take into account for FY11 retirement expenses. Town Manager Caron responded rates are established every other year; revised rates will take effect in FY11. Their rates are comprised of three different components:

- Employee contribution
- Return on investments

The amount needed to fund the system, less the two revenue sources above, is assessed to employers.

He anticipates a significant increase in retirement costs for the FY11 budget. If this current budget passes and the Sates share for police, fire and teachers is reduced from 35% to 30% to 25% the Town is facing a \$160K increase in retirement for the town, based solely on that funding change. Councilor O’Keefe asked if this is a trend towards the taxpayers paying 100% for retirement. Town Manager Caron responded it is his understanding that the bill reducing the state share sunsets after FY11 unless it is re-authorized. The law currently states that if it is approved by the legislature next week that it is supposed to revert to 35% by FY12. A. Baldasaro said that most Republicans were not voting for the budget. He said that active duty veterans who have received a Purple Heart Medal will have their taxes reduced by \$4.00 and all veterans can take Veterans Day off without any problems with their employers.

### **PUBLIC HEARING**

Chairman Brown explained that the public hearing being held tonight on Ordinance 2009-02 was a continuation of the pubic hearing held on June 15, 2009.

**Ordinance 2009-02 – Relative to an Amendment to the Municipal Code, Title IV, Chapter V, Solid Waste/Recycling** Town Manager Caron explained the amendments to the Ordinance that were proposed at the June 15, 2009 meeting for the fee schedule:

Overflow Bag	\$3.00 per bag
Additional 32 Gallon Container	\$150 for the initial year the container is issued to a resident \$105 for each subsequent twelve month period
Additional 65 Gallon Container	\$200 for the initial year the container is issued to a resident \$150 for each subsequent twelve month period
Additional 96 Gallon Container	\$55 for the initial year the container is issued to a resident \$40 for each subsequent twelve month period
Downgrade-32 Gallon Container	No Charge

Waiver of Fee – The fee for an additional waste container shall be waived for household units that have seven (7) or more occupants, and may be waived by the Department of Public Works for households that have less than seven (7) occupants, but have family members such as older adults or individuals with special needs that have personal care items to dispose of that cannot be reduced and add greatly to the overall volume of household waste.

He explained what was not clear to him was the waiver – it is the Council’s intent to allow an upgrade to a 96 gal container for a larger household or the issuance of an additional 65 gal. container for larger households.

The Town’s anticipated additional cost is comprised of three components:

The cost of the container

Potential additional collection fee from the contractor

Actual disposal costs for a twelve month period for the waste generated within the larger or additional container.

Councilor O’Keefe asked how the threshold for an additional container was established. Janusz Czynowski, Public Works Director explained Goffstown considers 9 a large family; he proposed reducing it to 7 for Londonderry as being more reasonable. Councilor O’Keefe said with a 65

gal container we are going to save money we are not going to fill the barrel every week except for holidays and special occasions. He said we will save on tonnage. J. Czyzowski said it is somewhat proven that the automated system will limit the volume of waste. The Town disposed of 9,500 tons of solid waste last year; J. Czyzowski reaffirmed that issuing a 65 gallon container for each household will reduce recycling. Councilor Wagner asked why our fees are higher than other towns; some are charging \$150 we are asking \$200. Town Manager Caron explained the proposed cost is based on the cost of additional containers and the cost to dispose of the trash. Councilor Wagner asked J. Czyzowski if a person can change from a 96 gallon to a smaller size if they decide it is too big, he responded that the resident should maintain the same container over the life of the contract because the Town would have to pay for another container to replace it. Town Manager Caron responded that the Council could change that policy but there is a cost associated with doing that. J. Czyzowski responded they can return the 96 gallon but would have to pay \$50 for the cost of the 65 gallon container, which is a one time fee. Councilor Wagner asked why no styrofoam was accepted; Doris Beatty, Solid Waste Engineer responded they have no method to recycle it. Paul Margolin, Chairman of the Solid Waste Advisory Committee (SWAC) said boxes for frozen food can be recycled. Councilor DiMarco asked if concessions were made in the contract for new housing in town. J. Czyzowski said the contractor has to provide any necessary containers due to growth in town per contract. Councilor Farmer questioned how the Town would know how many to order of each containers. J. Czyzowski said after tonight they would advertise in the papers and send post cards to every resident asking them what size they want, have them enclose a check with the decision of the size container. He stated we have missed our opportunity of today to reserve time for production of containers. Deadline should be 7/10 or 7/11 to respond to the post card. Councilor Farmer asked Town Manager Caron to have the IT Dept. put a poll on the website for people to order containers along with an order form. Some people will miss it but costs and time are cheaper on the website. Town Manager Caron said that J. Czyzowski is trying to cover all avenues and if Council does not want postcards sent out that can be accommodated. Chairman Brown asked if everyone was OK with the honor system for (7) seven or more or special needs situations. He asked if we had anyway of verifying occupants of a household. J. Czyzowski stated he does not know of any easy way to verify occupants. Chairman Brown asked if there was any way to check with the School Department. Paul Margolin said he asked School Business Admin, Peter Curro and they do have that information. Chairman Brown said he would recommend only an extra 65 gal. container and we keep it the occupancy at (7) seven as a bare minimum. He also asked J. Czyzowski if the honor system would be in effect for 5 straight years and if the occupants have been reduced can the extra container be returned. J. Czyzowski responded they can return the extra container.

Paul Margolin, Chairman of the SWAC said a lot of bulky waste will be brought to the Drop Off Center. He said that the private postal centers in town will accept styrofoam peanuts, bubble wrap and flat material. They will not accept large pieces. He proceeded to read an excerpt from an e-mail he sent to the Councilors – pay for only what you generate, it puts more control in the hands of the taxpayers, there is a built in incentive to produce less garbage. The 96 gallon container undermines the purpose of the new contract. He said we are creating a new entitlement in the Ordinance for Londonderry. The pay-as-you-throw communities do not provide an exception for large families. The committee supports giving free 96 gallon containers to families with economic hardship and families of more than 6 members but they have to be validated. He explained the methods to be used by Council. He also announced that SWAC will respond to requests for direction. Councilor O’Keefe said he does not like the economic hardship requirement, we should not pry into their business because they want a free upgrade. Al

Baldasaro, 41 Hall Rd, said there were very few families in NH that had 7 or more occupants in a household. He said we voted on a budget and trash was included. He said we should have made the old system work. He asked if the new contract has been signed yet, Town Manager Caron said it has not been signed but it has been approved. Town Manager Caron reminded Mr. Baldasaro that the budget was reduced by \$295K at town meeting and he was one of the supporters. Although reducing the budget is a prerogative of the voters, the action requires the Town to identify methods to reduce the budget; the automated waste system saves money while maintaining the service. Last fall SWAC had approached the Council about rebidding the solid waste contracts in an effort to save money. A. Baldasaro asked why we are not using the small recycle bins. Town Manager Caron responded that the Town is using small recycle bins, and will continue to do so. A. Baldasaro said seniors are listed on the elder exemptions list they should be put on a list for smaller containers. John Wilson, Tranquil Dr, wanted to know how we got to 65 gallon container. J. Czyzowski said over time all towns that went to the automated system found the 65 gallon container adequate. He also asked if we expected a savings in tonnage. He stated that if people knew we were doing a bad job recycling they would do better. Sherry Radzelovage, 34 Litchfield Rd, spoke on behalf of large families needing 96 gallon containers. She asked what do residents do 6 months out of the year when we have to store unwanted items and wait for the Drop-Off Center to open. She asked if our tax bill includes waste disposal, Chairman Brown responded it is based on the assessed value of a home. Councilor Wagner said trash is costing us money every year. Paul DiMarco said trash is part of our budget, all taxpayers contribute to the cost. Dave Ellis, 1 Wilshire said he picks up trash on the street, he asked for free extra bags. He asked if his container is stolen what happens; J. Czyzowski said it would be replaced at no charge. Terry Rush, 193 High Range Rd. suggested telling the Town Clerk what size container was needed when the tax bill is paid. She asked what happens if the homeowner moves, if the new person who moves in wants to downsize and what happens to the extra barrel. She also asked what size is the \$3.00 bag; D. Beatty responded it is a 30 gal bag. She helped on "Beautify Londonderry" and they threw bags of trash into the LAFA dumpster and asked if they are they still able to use them. She asked when will the recycle labels be ready for recycling barrels, D. Beatty responded within the next couple of weeks. She suggested Council use the honor system. Steve Vivian, Fiddlers Ridge Rd. challenged the figure of 7 occupants and requested it be lowered to 6 from 7. Frank Maggio, 8 Chandler Dr. said he is a family of 6 and recycles. Taxes are going up in this community; we should take care of each other. He also requested that Council use statistics from Londonderry not other towns. He also asked why we can't figure out how many people are in a house. Steve Matloff, 11 Old Coach asked why someone should get something free, we are all paying the same tax. Chairman Brown said the original proposal did not have anything free; some folks came before Council and asked for help for large families. He said we are not going to satisfy everyone here tonight. F. Maggio questioned the administrative fee being charged for the trash bags. David Croley, 6 Spruce St. said he thinks the 65 gallon container will work and thinks the cut-off should be 6 people in the household with a 96 gallon container should be available for large families. He asked if he can use his existing trash barrel for overflow recycling and just put a sticker on it.

The large family fees were discussed by Council. The consensus was that a large family eligible for a waiver of fees would be for units with 6 or more occupants.

The size of the containers was discussed and the consensus was that we should offer 32 gallon and 65 gallon containers only. No 96 gallon containers would be available. Councilor Farmer said the wording in the contract stated we could have an extra 100 65 gallon containers at no charge. This could cover the free containers in the waiver. The consensus is there will be a

waiver; residential units with 6 or more members can receive an extra 65 gal container at no cost. Councilor DiMarco stated that if a person asks for second container and decides they do not need it after a year, he does not think they should be forced to keep it the extra 4 yrs. J. Czyzowski said they will not be billed for service for the next 4 yrs if they return it they will not get credit for the service. Everyone agreed it was OK to turn in an extra container. Councilor Farmer asked why Public Works chose a 30 gallon bag at \$3.00 ea and not stickers. Janusz said the overflow bag is based on an automated system, use has to be limited; 30 gal bags are what other towns are using on an automated system. He stated that we can't mix two systems together because we would need an operator and a laborer which would increase costs.

**Councilor Wagner made a motion to amend the Ordinance to reduce the waiver of fees for large family size from 7 occupants to 6 or more occupants or a family with special needs. Seconded by Councilor O'Keefe, Council's vote 3-2-0.**

**Councilor Farmer made a motion to eliminate the additional 96 gallon containers either as an additional or an upgrade option. Seconded by Councilor Wagner, Council's vote 3-2-0.**

**Councilor Farmer made an amendment to include in the language that the overflow bag should be 30 gallon capacity. Seconded by Councilor O'Keefe, Council's vote 5-0-0.**

**Councilor Wagner made motion to accept Ordinance 2009-02 as amended. Seconded by Councilor O'Keefe, Council's vote 5-0-0.**

**Councilor Wagner made a motion to close the public hearing. Seconded by Councilor O'Keefe, Council's vote 5-0-0.**

### **OLD BUSINESS**

#### **Economic Development Update - Economic Revitalization Zone program**

Councilor DiMarco recused himself because his company is within the proposed Economic Revitalization Zone. Chairman Brown explained that Community Development Director Andre Garron is looking for approval to submitting an application for Economic Revitalization Zone Tax Credits for the Pettingill Rd. area. Councilor O'Keefe thought it was premature requesting the tax credits before the area is developed. A. Garron responded the area qualifies for the program and it is an incentive that the state offers on a limited time basis. Councilor Wagner asked if Council decides to do a TIF District in the Pettingill Rd. area will it affect this grant, he responded no. Councilor Wagner asked would it ban us from other grants – A. Garron responded not at all. He also said that it does not preclude us from adding another Economic Revitalization Zone in town. **Councilor Farmer made a motion to approve moving forward with the application. Seconded by Councilor Wagner** with the request that the copy of the summary of the grant accompany the approved meeting minutes. **Council's vote 4-0-0.**

Councilor DiMarco rejoined the meeting.

### **NEW BUSINESS**

None

## **APPROVAL OF MINUTES**

**Minutes of Council's Public Meeting of 6/15/09.** Councilor DiMarco made a correction to line 266 typo error "consensus" spelled incorrectly. **He made a motion to accept the minutes as amended, seconded by Councilor O'Keefe, Council's vote 5-0-0.**

## **OTHER BUSINESS**

**Liaison Reports** – Councilor DiMarco attended the Planning Board meeting; they reaffirmed and signed plans for Nutfield Publishing. They passed the subdivision site plan regulations - they were amendments to approve the processing of regulations. He attended the Annual Board of Directors Meeting for S.N.H. Hazmat held this past Thursday. Planning Board approved the School District's request to raise the height of the school antenna for WLLO. Councilor Farmer asked if the FAA was consulted about the height, Councilor DiMarco said they were notified, but the height was raised below the FAA threshold.

Councilor Wagner attended the Elders Affairs meeting; they are excited about the possibility of getting the town property to construct housing for the elderly. They are starting the process of interviewing developers. Old Home Day meeting was held they are down in sponsorships, cutting back on \$5K in budget.

Councilor O'Keefe said he has had no liaison assignments since the last meeting.

Councilor Farmer said the Concerts on the Common are being held on Wednesday nights and they are free. They have a new lineup for this year. Economic Development is holding a meeting this Thursday and he is unable to attend the meeting due to work commitments. Councilor O'Keefe said he will attend the meeting on his behalf.

Chairman Brown attended the School District meeting and watched A. Garron and T. Thompson make a presentation on workforce housing. The School Board developed a consensus to recommend maintaining some form of growth management phasing and impact fees versus removing them.

## **Town Manager's Report** –

Town Manager Caron said they were working on preparing two grants. Staff is working with the architect to prepare a grant for N/W Fire Station, which includes an update of the plans and looking at the historical investments in the property – will be submitted by July 10<sup>th</sup>. The Town will be receiving \$106K in energy grants, application will be submitted by Thursday; town proposes to spend about \$90K to retrofit 113 street lights. He stated the Town has already changed 28 lights, and should save about \$15K per year in energy costs. Plans are to retrofit lighting at the Access Center and at the Central Fire Station and potentially at the Library with the balance of the funds of \$16K. Chairman Brown asked where the funding came from. Town Manager Caron responded it is part of the ARRA stimulus package.

Councilor Farmer asked when we will know the full impact of the state budget. Town Manager Caron responded this week. He said the suspension of payments of Waste Water Grants is being talked about now. It is about a \$100K impact for the Town; he said he is trying to track it down. Councilor Wagner asked about the strategic direction from the police and fire in September. Town Manager Caron said a memo on that goal was distributed to departments recently, with a follow-up meeting in the next couple of weeks. He will return to the Council in August with an outline and submit a report along with the FY11 budget.

**Board/Committee Appointments/Reappointments - None**

**ADJOURNMENT**

**Councilor DiMarco made a motion to adjourn at 10:03 PM. Second, Councilor O’Keefe, Council’s vote 5-0-0.**

**Notes and Tapes by: Margo Lapietro Date: 06/22/09**

**Minutes Typed by: Margo Lapietro Date: 06/23/09**

**Approved: Town Council Date: 07/13/09**