

**TOWN COUNCIL MEETING**  
**December 07, 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: Brian Farmer; Sean O’Keefe; Paul DiMarco; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.**

**CALL TO ORDER – PUBLIC SESSION**

**Chairman Brown opened the meeting at 7:00 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**

**Motion by Councilor DiMarco to reconvene the public hearing for Ordinance 2009-04, second by Councilor O’Keefe. Council’s vote 5-0-0.**

**Ordinance #2009-04 – Relative to an Amendment to the Zoning Ordinance Regarding Workforce Housing -**

Chairman Brown explained that Council met with Town Counsel to receive legal guidance. He noted that this Ordinance represents the efforts the Planning Board and Planning Dept. have made to both meet the RSA requirements and to implement the recommendations of the Housing Task Force. He explained that State law requires municipalities to adopt a Workforce Housing Ordinance. Chairman Brown said the Council could discuss an option to table the current ordinance and send it back to Planning Board to simplify it to meet the recommendations of the workforce statute. He said we could schedule it to come back to Council on January 18, 2010 to look at a revised ordinance, and then proceed to a hearing on that ordinance. The consensus was to table the Ordinance; send it back to the Planning Board to revise and reconvene on 1/18/10. Councilor O’Keefe commented that after reviewing the information received from Counsel, it would be good idea to table the Ordinance. Councilor Farmer asked Art Rugg, Planning Board Chair if he was aware of the memo addressed to Council from the Town Manager outlining the recommendations from Town Counsel and he responded yes. Councilor DiMarco stated there is a sense of urgency to some extent, as the state requires enactment by 1/1/10, however, the Town is proceeding in good faith. Councilor Wagner asked the Town Manager if there will be any chance of having an issue with the developers. He responded common sense should prevail, as the Town should be in compliance by mid-February. John Curren, 6 Faye Lane said at the last public meeting he asked what the description of “workforce housing” is, was there any feedback from the lawyer. Town Manager Caron said the Town has received guidance on that issue, and that legal counsel would work with the Planning Board on that particular issue. J. Curren then asked if we were going back to multiple meetings with the Planning Board and stated he was not in favor of large developments. Town Manager Caron replied that the ordinance is technically staying with the Council, with additional input/recommendations from the Town Council. He said the presentation will be on 1/18/10, and would recommend a reposted public hearing for 2/1/10. The Planning Board will meet with counsel first then the Board will meet in public. Don Moskowitz, Tokanol Drive

asked if we are required to submit any filings to the state by 1/1/10 – Town Manager Caron responded no.

**Councilor DiMarco made a motion to table the ordinance, second Councilor O’Keefe. The Ordinance will go back to the Planning Board. Council’s vote 5-0-0.**

**Councilor Farmer made a motion to recess this Ordinance to a Town Council public hearing scheduled for 1/18/09, second Councilor O’Keefe. Council’s vote 5-0-0.**

### **PUBLIC COMMENT**

#### **Interview of Land Use Board Members –**

Chairman Brown explained that some of the volunteers on land use boards were not appointed by the sitting board and these scheduled interviews gave the Councilors the opportunity to know them. Councilor DiMarco proceeded to thank all the interviewed volunteers listed below:

Re-Appointment/Interview of Laura El-Azem to the Planning Board as a Full Member

Re-Appointment/Interview of Eugene Harrington to the Conservation Commission as a Full Member,

Re-Appointment/Interview of Mike Speltz to the Conservation Commission as an Alternate Member

Re-Appointment/Interview of Sue Joudrey to the Heritage Commission as a Full Member

Some of the questions asked of the volunteers included what would you like to see the various board accomplish with your re-appointment; did the board they served on accomplish the goals of the board; would their role on a board change over the next few years; and have the boards done a good job on behalf of the community.

Councilor DiMarco referenced the power outage the Town experienced this time last year, and cautioned everyone to be prepared.

### **OLD BUSINESS**

**Application for a SAFER Grant** - Chief Kevin MacCaffrie was in attendance. Chairman Brown explained this was a continuation of a prior public meeting and it was reconvened to obtain more information. Councilor Farmer asked the Chief what the time line to submit the grant is, he responded it was due by 12/18/09. Councilor Wagner asked for mutual aid figures, call volume and the soft costs for outfitting the additional firefighter positions. Chief MacCaffrie responded that mutual aid overall use for 7/1/08 to 6/30/09 was 151 times. Primary ones were 114 when there were simultaneous calls going on when our units were tied up. Councilor Wagner asked how much does our mutual aid responses increase ever year; the Chief responded it varies every year from 40 – 150. She asked will we be higher this year and the Chief said yes due to responses to the ice storm. This year we are around 120-130. Councilor Wagner asked how much is the call volume going up; Chief MacCaffrie responded it averages 125 additional calls per year. Councilor Wagner asked when was the last time they hired staffing; Chief MacCaffrie responded in 1995 and there were a few in 2005. Councilor Wagner asked how much was the volume up since 1995. He

said the volume since 1995 roughly went up 35%. Councilor Wagner questioned if call volume would go up with the I-93 construction the Chief responded he would “guesstimate” the call volume will go up. He stated that they have meetings with the state every month to be prepared for the anticipated increase in traffic. Councilor Wagner asked how long will it take for mutual aid to respond Chief MacCaffrie responded it could be from 6 min to 17 minutes depending on where the incident is located in Londonderry or where the mutual aid is located. Councilor Wagner asked if the transports from the Elliott facility on Buttrick Road are increasing, Chief MacCaffrie responded it has stabilized. Councilor Wagner queried him as to what he anticipated for calls if multi-family housing was located in town. He responded the estimates for a 200 unit will bring in about 100 calls per year. Councilor DiMarco asked how many times per year do we send our units out for mutual aid, Chief MacCaffrie responded 109. Discussion ensued about options that would be taken if the work schedules were changed as part of the union contracts. Councilor Farmer asked the Chief where did he get the estimates for multi-family unit calls. He responded he obtained the information from national associations, it is an estimate. The figures are multi driven by socio-economic factors and, fire protection systems in multi-family units. The department has to respond to wired alarm systems in those buildings. Councilor O’Keefe asked the Chief at what point does the fire department go after the alarm companies that are constantly going off with false alarms. He responded currently there are no fire alarm regulations; they just keep calling the alarm companies.

Chairman Brown stated that Council has 4 options:

- Forego the grant

- Grant the previous petition with a total of 4 firefighters; 1 for each shift

- Authorize the grant for 4 positions, but place those in shifts to maximize efficiencies based upon historical service demands

- Authorize the grant for only 2 positions

He said the Town is looking at a \$346K cost, it is not revenue neutral. He asked the Chief if we don’t take the grant this year, will it be discontinued next year. Chief MacCaffrie responded he can’t guarantee it, the grant might start again next year if it is funded. The objective of the grant is to be compliant with NFPA 1710 to meet their standard. Chairman Brown asked if adding additional staff would change the bargaining agreement. Town Manager Caron said the stations are currently working at 24 hr shifts, the shifts for new employees under Options 3&4 would have to be adjusted to work 12 hour shifts if we change the schedules. Chairman DiMarco asked how does the Town compare with our staffing among other communities. Chief MacCaffrie responded according to NFPA we are understaffed; the Town is below Derry and Salem but they are much bigger towns, and are about even with Bedford and Hudson. Town Manager Caron pointed out that that information could be found on page 15 of the Public Safety & Public Works Service Delivery Report. Councilor’s Wagner and DiMarco both agreed they don’t want to add to taxes; but they viewed it as a safety issue. Councilor Wagner stated she would like to move ahead with the grant for 4 fire fighters. Councilor DiMarco said we have an obligation with public safety; we should go with option 2 or 3. Chairman Brown said we received the strategic plan tonight; does the Council want to do something budgetary to offset the tax rate or should we wait a year, then we will have time to work with the Town Manager for an overall staffing level or should we go with Option 1. Councilor Farmer questioned Option 2 and asked the Town Manager how he would handle the tax impact. He responded if we receive the grant the local cost will be \$346K in FY13; the Town can plan for this impact by incrementally increase the tax burden in FY11 & FY12. Chairman Farmer stated we have the budget we asked for in FY11, we have the fact finders and

collective bargaining which will add to the taxes. If we had more time to look at this we could but the compressed time frame is not good. He stated that we don't have enough time to look at the long term impact, it is too quick. Councilor O'Keefe agreed with Councilor Farmer, the problem is that with two contracts, the school having increases, he said he is not comfortable with approving it. The consensus of the Council is not to go forward with the grant process.

Chairman Brown asked Town Manager Caron when would it be good time to review the report on Public Safety and Public Works service delivery systems. He responded it does not affect the budget process, so the Council can schedule after Town Meeting to review. The consensus was to wait until the budget process is completed.

### **NEW BUSINESS**

**Resolution #2009-20 – Relative to the renaming portions of Dan Hill Road and Nelson Road** - Councilor Wagner read the first reading, public hearing scheduled for 12/21/09. **Motion by Councilor Wagner, second Councilor DiMarco for the public hearing. Council's vote 5-0-0.**

**Resolution #2009-21 – Relative to naming the private access to 49A Seasons Lane.** Councilor DiMarco read the first reading, public hearing on 12/21/09. **Motion by Councilor DiMarco, second Councilor Farmer for the public hearing. Council's vote 5-0-0.**

**Ordinance #2009-05 – Relative to the Creation of a new Gateway Business District** – Councilor Farmer read the first reading, public hearing scheduled for 12/21/09. **Motion by Councilor Farmer, second by Councilor O'Keefe for the public hearing. Council's vote 5-0-0.**

**Ordinance #2009-06 – Relative to the Creation of the Planned Unit Development Process** – Councilor O'Keefe read the first reading, public hearing scheduled for 12/21/09. **Motion by Councilor O'Keefe, second by Councilor Wagner for the public hearing. Council's vote 5-0-0.**

**Ordinance #2009-07 – Relative to Amendments to the Zoning Ordinance Associated with the Gateway Business District and the Planned Unit Development Process.** Councilor Wagner read the first reading, public hearing scheduled for 12/21/09. **Motion by Councilor Wagner, second by Councilor O'Keefe for the public hearing. Council's vote 5-0-0.**

**Resolution #2009-22 – Relative to the Posting of the Administrative Support Specialist Position.** Councilor O'Keefe recused himself because someone related to him expressed an interest in the position. **Councilor DiMarco read the first reading, recommended an adoption tonight, second by Councilor Wagner.** Chairman Brown asked if there was any analysis done to show that some components of the job could be done elsewhere by town government and could the position be done on a part-time basis. He would like to see an assessment of where it stands now and could it be done in a less than full time capacity. Town Manager Caron responded the position is a summary of a number of responsibilities that in a lot of other communities are assumed by other full time positions, and proceeded to explain them. Chairman Brown said he would like the opportunity to assess if some of these duties can be done by others like IT handling the website; maintenance being coordinated with the School; Beautify Londonderry can be handled by Solid Waste, etc. Councilor Wagner agreed with Chairman

Brown; she questioned if we really need a full time position. Town Manager Caron explained the school has no interest in being the coordinator of the maintenance of our buildings, they work close with us but have no interest in taking over the responsibility of town buildings. This position manages the town website which has been cost effective; if the IT consultant takes over managing the website it will increase their contracted costs. Councilor Wagner said she would like to look at the whole department in general, she would like it down to a part-time position. Town Manager Caron responded he will compile an assessment for the 12/21/09 meeting. Councilor DiMarco said he agreed with the other Councilors go through the exercise. Councilor Farmer said he agrees with Councilor Wagner, if there are consolidation opportunities he would like to see it. Chairman Brown questioned if the salary range is for a full-time position, if we can reduce the activities will it change the pay. Town Manager Caron responded it depends if we can offload the responsibilities, might have to re-classify the position. **Councilor DiMarco made a motion to table the resolution until 12/21/09, second by Councilor Wagner. Council's vote 4-0-0.** At this point in the meeting Councilor O'Keefe rejoined the Council.

**Resolution #2009-23 – Relative to an Employment Agreement with the Town Manager**

Councilor Farmer read the first reading and **made a motion to accept the Resolution, second by Councilor DiMarco. Council's vote 5-0-0.** Councilors all said they appreciated all the work the Town Manager has done in the past and were glad he extended his time with the Town.

**APPROVAL OF MINUTES**

**Minutes of Councils Public Meetings of 11/16/09 and Budget Workshops of 11/21/09, 11/23/09 and Non-Public Meeting of 11/23/09.**

**Councilor DiMarco made a motion to accept the public meeting minutes for 11/16, second Councilor Wagner. Council's vote 3-0-2, with Councilors O'Keefe and Farmer abstaining.**

**Councilor DiMarco made a motion to accept the minutes from the Budget Workshop meeting of 11/21/09, second Councilor O'Keefe. Council's vote 4-0-1, with Councilor Farmer abstaining.**

**Councilor DiMarco made a motion to accept the minutes from the Budget Workshop meeting of 11/23/09, second Councilor O'Keefe. Council's vote 5-0-0**

**Councilor O'Keefe made a motion to accept the Non Public Meeting minutes of 11/23/09 and to seal the minutes indefinitely, second by Councilor Farmer. Council's vote 5-0-0.**

**OTHER BUSINESS**

**Liaison Reports –** Councilor Farmer attended the Londonderry Arts Council Meeting and informed Council that long time member Greg Descoteaux resigned his Ad Hoc position.

Councilor DiMarco attended the Planning Board meeting; he said they discussed three projects. One conceptual plan will be discussed at their next meeting. He also informed the Council that Planning Board member Robert Nichols has decided not to seek reappointment now that his term is expiring this month.

**Board/Committee Appointments/Reappointments -**

Laura El-Azem to the Planning Board as a Full Member, three year term to expire 12/31/12. **Councilor Wagner made a motion to re-appoint, second Councilor DiMarco. Council's vote 5-0-0.**

Eugene Harrington to the Conservation Commission as a Full Member, three year term to expire 12/31/12. **Councilor DiMarco made a motion to re-appoint, second Councilor O'Keefe. Council's vote 5-0-0.**

Mike Speltz to the Conservation Commission as an Alternate Member, three year term to expire 12/31/12. **Councilor Farmer made a motion to re-appoint, second Councilor DiMarco. Council's vote 5-0-0.**

Sue Joudrey to the Heritage Commission as a Full Member, three year term to expire 12/31/12. **Councilor DiMarco made a motion to re-appoint, second Councilor Wagner. Council's vote 5-0-0.**

**Appointment to Regional Economic Development Steering Committee:**

**Councilor Wagner made a motion to appoint Don Moskowitz as a Full Member, second Councilor DiMarco. Council's vote 5-0-0**

**Councilor Farmer made a motion to appoint Scott Benson as a Full Member, second Councilor O'Keefe. Council's vote 5-0-0.**

At this point in the meeting Councilor Wagner recused herself.

**Councilor DiMarco made a motion to appoint Steve Young as an Alternate Member, second Councilor O'Keefe. Council's vote 4-0-0.**

Chairman Brown reported there was an open vacancy on the Planning Board due to Robert Nichol's term ending this month and he was not interested in re-applying. Earlier the Council had agreed to request the Town Manager appoint a School Board member as his ex-officio. To do that would have eliminated a long time valuable member ex-officio, Chuck Tilgner. Chairman Brown suggested Council appoint C. Tilgner as a full member with a term expiration of three years, expiration 12/31/12. The School Board will provide us with an Ex-Officio member. Councilor Farmer asked if C. Tilgner was available for an interview like all the other land use members. Town Manager Caron stated that C. Tilgner is traveling and was not able to make tonight's meeting or the 21<sup>st</sup>. He brought up the point that Mr. Tilgner has served with 4 of the 5 Councilors on the Planning Board. **Councilor Wagner made a motion to appoint Chuck Tilgner to a full position on the Planning Board term to expire 12/31/12, second Councilor DiMarco. Council's vote 5-0-0.**

Chairman Brown said there is an opening on the ZBA for a full member due to Yves Steger not seeking reappointment. The ZBA is recommending moving an alternate to a full position and will vote at their next meeting. He also noted that there are currently openings on the Heritage, ZBA and Planning Board.

**ADJOURNMENT**

**Councilor Farmer made a motion to adjourn at 9:40 PM , second, Councilor Sean O’Keefe; Council’s vote 5-0-0.**

**Notes and Tapes by: Margo Lapietro Date: 12/07/09**

**Minutes Typed by: Margo Lapietro Date: 12/10/09**

**Approved; Town Council Date: 12/21/09**