

**TOWN COUNCIL MEETING**  
**February 2, 2009**

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

**PRESENT: Town Council: Chairman Marty Bove; Vice Chairman Brian Farmer (7:04), Kathy Wagner, Paul DiMarco, Mike Brown; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Margo Lapietro, Executive Assistant.**

**CALL TO ORDER – PUBLIC SESSION**

**Chairman Bove 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.**

**PUBLIC HEARING**

**Councilor Wagner made a motion to open the public hearing. Second Councilor DiMarco. Council's vote 4-0-0.**

**Wagon Wheel Cooperative Water Improvements CDBG Project Update** Grant Administrator, Donna Lane said we have to have a public hearing before, during and after the project has been completed. The project is now complete and she was here to answer any questions. Open for comment – none.

**Councilor DiMarco made a motion to come out of public hearing. Seconded by Councilor Wagner, Council's vote 4-0-0.** At this point in the meeting at 7:04 Councilor Farmer joined the meeting.

**PUBLIC COMMENT**

Paul Margolin – SWAC Chair brought up the issue that the lay-off of staff will have an impact on his committee. He talked about the current solid waste and recycling contracts. The Town has 60 days after town meeting to renew the contracts. His committee feels there is potential for savings, but at this time has no back-up to guarantee anything. Chairman Bove said when solid waste is down and recyclables are up we will save money. He stated the Council needs solid information so they can see all options to save money. P. Margolin then asked if there is any money to be saved by renegotiating the SWAC contract could it be used for the un-expended fund balance; Town Manager Caron responded yes. P. Margolin said the market in waste is going down, but terms for tipping fees and hauling fees are fixed regardless of volume, savings potential if we go out to bid will be from new vendors and new offers from vendors. Councilor Wagner asked when does the current contract run out, Town Manager Caron responded the end of this fiscal year. Councilor Wagner asked if we have renegotiated the contract. Town Manager Caron responded we can renew the current contract on the Solid Waste; the solid waste is a 4% increase. The tonnage disposal of waste has an increase of 6/10%. We need to make sure we don't forfeit any renewal rates by putting it out to bid. He said he is currently looking at that. Councilor Brown said that this news is late in the budget sessions. P. Margolin said he started talking about this in November, The December meetings were cancelled due to ice storm, postponed that meeting to

1/8/09 to talk to vendors; they had another meeting last Thursday with more vendors. Now they are starting to receive more information. Councilor Farmer talked about the market dropping for raw materials he said it should impact new contracts. Councilor Wagner questioned if we bid out we could loose the current contract being renegotiated. Town Manager Caron said if that is an issue then he would recommend it not be bid out because the renewable terms are quite fair to the Town. It is currently being reviewed by legal counsel. Chairman Bove said there are other ways to save money by encouraging the recycling program.

## OLD BUSINESS

**Town-School Collaboration Update** – Chairman Bove explained to the audience that they are here tonight to listen to a proposal; no questions will be taken from the public until Council has finished discussing the proposal. School Superintendent, Nate Greenberg clarified information that was given out to the public via bulletins, internet, newspaper and word of mouth. He said questions were asked if the Cable Access Center would be open on snow days, he said it would be because many of the school district employees work on snow days and Access Center employees would be scheduled to work. Hours of operation during the week will increase from 65 ½ hours to 70 hours with the inclusion of Sunday hours. The Town Manager and he have agreed that the Access Center will be devoted to school use from 8:00 AM to noon during school days. He cited security and noise issues for that decision. First amendment rights and freedom of speech were not affected. He stated that the Town and School will enter into an inter-governmental agreement to manage the Access Center. All FCC rules and regulations including federal and state laws would continue to apply and there will be no abridgement of freedom of free speech rights. This is clarified in the inter-municipal agreement. The Advisory Board per RSA 53-a, is a joint advisory board that would be established per the inter-municipal agreement. A volunteer coordinator was not addressed in the budget because it was not addressed in the proposal; it is paid outside of the cable funds. The intent is to keep the volunteer coordinator. He further stated that quality is not an abridgement of any free speech right. He spoke about the vision of public access. He compared the state of art 20 years ago with the current technological advances. The distribution media has moved from cable TV to online distribution. Every TV show is available to be downloaded; you can go on-line to get information from U-Tube and Facebook. His recommendation is to expand the current website to incorporate on demand access to cable offering, develop and put into place video streaming of live events. Staff would work with the Advisory Committee to develop a strategic plan to address and recommend implementation of the “L Tube” or the Londonderry tube concept and its budget implications. They would also continue with the present cable operations. Phase II would continue and refine Phase I activities, implement the L Tube concept as developed in the strategic plan to include but not be limited to programs on demand; live streaming; video web radio; on demand videos on the website; tools to allow people to collaborate in a virtual environment; website tutorials; access to school and public library resources and continue cable operations. Continue training in Town Council production; multi-media classes, public speaking and journalism classes as well as computer instruction and look to expansion. Councilor Brown questioned access center being open 7 days a week. N. Greenberg said the expanded hours would hopefully get more people involved in the center. The School use is Mon-Fri from 8-12. Councilor DiMarco questioned maintenance of the access center; the contract says the major repairs will be taken care of by the Town who retains ownership of the building out of cable special revenue fund. District responsibility would be for minor wear and tear items. He asked for clarification of what would be considered major and minor. N. Greenberg responded the general cleaning will be taken care

of by school, if the roof fell in it would be considered major. Councilor Farmer questioned why in the consolidation does the town supervisory position have to be eliminated, why not the school supervisory position? N. Greenberg said the School was offering the opportunity to provide management services to the Access Center. That would be assumed under library and media, and he would accept some responsibility for it. Councilor Farmer asked how the enhancements will be realized when we are talking about a \$40K/year savings. Where is the funding because some of this requires hardware and expertise? N. Greenberg responded expertise is certainly on the school side and at present they have an equipment budget of about \$125K. If the decision is made to move ahead to L-tube, on demand, etc. we would look to re-direct some of those funds to address those particular examples. He also mentioned the continued use of volunteers to help out. Councilor Farmer asked for clarification of non-affiliated employees. N. Greenberg explained they have non-union employees, the employees of the Access Center would fall within that category. Councilor Farmer asked if we have heard from the unions about their view on this change. Town Manager Caron responded there is no provision within that particular bargaining agreement which would prohibit contracting out those responsibilities. Chairman Bove asked if this prohibited the non-affiliated employees from having a union, if they wanted one. N. Greenberg said there is a process to form a union and he does not believe his current non-affiliated group of employees are interested in it. Councilor Farmer asked if they would have the same health/retirement benefit package with the school as they do with the Town. N. Greenberg said they can save money because the school is bigger and that results in higher savings. Councilor Farmer asked if there was any real study done, and if so, he asked for clarification of the proposed cost savings. Councilor Farmer questioned why the proposal to use cable funding was any different from the Council's proposal to use the same monies to avoid eliminating a Town employee position. The Council was cautioned that it would be hazarding the cable access fees. N. Greenberg responded that they are proposing in the future to provide on demand access to the community. Councilor Farmer said when the Town proposed to use the cable funds they were told that Comcast would withdraw the money because it was not being used for what it was intended to be used. N. Greenberg stated that if that becomes an issue it can be negotiated in the cable contract. Having streaming video and internet broadcasting is very valuable. Councilor Farmer talked about the board of advisors and questioned how can we rely on the expertise of this board to replace the expertise we currently have. N. Greenberg responded that the school already has the expertise. Councilor Farmer stated the Town is responsible for a lot of the proposed agreement and we will have only three of seven people on the board. He said he is concerned about where the expert advice is coming from. N. Greenberg responded his job was to come up with a consolidation plan with suggestions and ideas. It is the Council's prerogative to accept those ideas or not. Councilor Brown said the advisory board is dictated by state law, it is made up of both joint bodies. Chairman Bove asked who prepared this proposal. N. Greenberg responded it was jointly prepared by the Town Manager and people within his organization who have had cable experience and a background in media and video. Chairman Bove asked if anyone consulted Dottie Grover the current Director of the Access Center. N. Greenberg responded no. Chairman Bove asked if any of the proposals were run- by Dottie. N. Greenberg responded that he had no knowledge of it and he would assume that the School would have been told that they were updating to streaming video, on demand, etc. Chairman Bove asked if any of the School ideas or proposals had been presented to the cable department to see if they could consolidate with the school and work to make those things happen. N. Greenberg said he has not discussed it with them. Chairman Bove said one of the points brought out in the proposal was increased communications. He said if we don't have communication about potential changes from both sides then something is wrong. N. Greenberg said the school was not communicated with when significant equipment changes were completed this summer at the

access center. They have an impact on the school. Chairman Bove talked about the administrative duties and N. Greenberg responded the School can do a good portion of the administrative function. Chairman Bove asked him if he has not been in contact with the person doing the job how do they know what the job is. N. Greenberg responded he has been in town for over 10 years and he has been over at the access center on many occasions. Chairman Bove talked about the administrator not being located at the Access Center and asked if that person would be the point person for problems and would they be only available during school hours. N. Greenberg said they would be handled like school department complaints are. Service and responsibilities would be re-distributed. Chairman Bove asked with the proposed expansion of 7 days a week did they ask the studio if they want weekend hours. N. Greenberg said you won't find out until you offer it; if not needed the hours can be adjusted. Discussion ensued about employee hours and state law regarding weekend employment and scheduling. Town Manager Caron said at this point they have not resolved the employee hours. Councilor Farmer said he would like to see the collective bargaining agreement for these employees regarding weekend hours. Chairman Bove also expressed concern that only the school would be involved in the interview process of new employees for the access center. He also said there is not enough information for him to comfortably make a decision that they would see a savings of \$40K. Councilor Farmer said change creates conflict. We have to focus if there is a recognized need, if the type of change is worth it. N. Greenberg again stated that the Council asked the Town and School to find areas of consolidation between the school and town. The report he supplied tonight was the result of that request. The Council has to make the choice. Chairman Bove suggested more communication. Class size and security were discussed.

Chairman Bove at this point in the meeting passed out e-mails he received from various citizens and employees of other cable access studios. Dottie Grover, Access Center Director responded to the initial proposal. She stated that the school was not experienced in PEG; they had no experience in management and recruitment of volunteers. She expressed concern about the LAC Advisory Board, it sounds like it is a different make-up than the joint board required by 53-a. She said that the proposal is not going to improve the operation of the LAC for the betterment of the community at large; it proposes locking the community out from 8:00 AM until noontime. She suggested last September having the students come to the facility for the first four periods of the school day; Monday through Friday from 7:20AM to 10:38 AM and have exclusive use of the training/classroom during those hours leaving the remainder of the building available to the community. They could have first priority on scheduling from month to month. She proceeded to explain the workings of the cable studio and the student use of the building. She stated it is a town building paid for by the taxpayers. If the main concern is to save money then that is not a reason to turn it over to the school. She said she has not had complaints about the center other than having more availability during the day. She said the future vision of the school is not the vision of public access television. She said she did inform the school district about the fact that they were working on having video on demand and live streaming available. The video tech from the school came over last September and they discussed their plans at length as to what they were pursuing. Drew Caron, Dottie's assistant stated live streaming and video on demand will be completed in two months. He said technology has gotten smaller, better and cheaper, HD is already in the Access Center. He stressed preserving the equipment they already have. D. Grover said there is an expertise that comes into play dealing with volunteers and they have been very successful. Many volunteers have done many things for the center at no cost to the Town. Rep. Frank Amiro from Stonehenge Rd. spoke about the excellent programs put on by the access center. It runs efficiently; leave it the way it is. Joe Paradis, 55 Auburn Rd. said he does not see much in the proposal to change anything. The Franchise agreement is with the town, it takes

cable subscribers monies, 5% of that is put into a fund which the cable companies keeps and sends to us. The cable subscribers should have first “swipe” to anything at the Access Center. He said he is concerned that in the proposal it states curriculum first and community second, it should be reversed. He said he does not want the money he pays for cable funds to be used by schools who he already pays taxes to. He does not want to be subject to school rules when using the Access Studio. Funds should be for the community not the school curriculum. Al Baldasaro, 41 Hall Rd. said the proposal needs more study, saw conflicts with freedom on speech. He questioned D. Grover about the fees. She explained the people who pay for PEG access TV are cable subscribers, the funds are based on 5% of the gross revenue on the television side. It does not include any internet or phone. We currently get \$20K PEG access. CTV-20, LEO-21, 22, 28, 30 and 170 are being paid for out of franchise fees. The studio gave the Voc. Ed. Class a start – up grant of \$20K. A. Baldasaro asked if any of that money goes into the general fund to offset taxes. Councilor Bove said a few years ago a Council did make the decision to take some of the access fees and put it toward tax relief. Councilor Farmer stated Council took \$40K two years ago and \$64K proposed for this year. A. Baldasaro stated he would like the money to go back to the taxpayers. He cannot see the savings of \$40K, this is a community based program, the proposal needs more study. A. Baldasaro asked how much money was deposited into the cable fund; Town Manager Caron responded that we collect about \$320K per year. Chairman Bove stated we have been giving grants to the school of \$7,500 a year to LEO 21, plus all the remote equipment in the school totaling about \$68K. Cameras were set up in various locations in town and were paid for by cable. He also questioned the advisory panel. Pat Vitale, 75 Mammoth Rd, said the equipment in the studio is for the town. If the school takes over the cable studio, the best equipment will be taken by the students and it won't be available to the community. He said 85% of town has cable, when you take money out of the franchise fees to the general fund 85% of the town is paying for the 15% of people don't have cable. That is taxation without representation. You are taking the money to lower the taxes on someone who does not have cable. Greg Warner, 10 Pendleton Ln. sees no reason to have another bureaucracy managing the cable studio, leave it the way it is. Heather Anderson, 31 Perkins Rd. said it was a shame to change something that is not broken – she and her husband do volunteer work at the station. She said there is a real sense of community there. Chris Oliverio, 1 Trolley Car Lane volunteers at the cable center. He questioned the increased use of students using the station. He asked about where he could get the specifics of the budget and Town Manager Caron said he would get that for him. Glenn Douglas, 6 Overlook Ave. said that unlike the Town Council, Budget Meetings, etc the school district would not give DVD's to the library for the public to review. They were informed they are reused and destroyed. It was never addressed publicly. He said he is not sure access to information is going to get any better. The Access Center sends DVD's to the library; keep it the same way it is. Bob Westford, 14 Sherwood Rd. said keep it the way it is, we have an experienced director. Cindy Eaton, 16 Clark Rd, was Chairman of the Facility and the Building Committee for the Access Center. She said the committee did want a larger building but had to cut it down because taxpayers did not want to pay for it. She said she was a School Board member and having children involvement was important when they build the building. They did try to have an isolated area for kids. Community is important because it is a town building. The community had been working on making the building accessible to students during and after school. If the school district takes it over will we still see the same amount of community programs? How and what programming will there be? N. Greenberg said the current programs will still go on. C. Eaton spoke about the hours for students. She asked who would negotiate the contract if Dottie is not there. N. Greenberg said he and the people from the school dept. will be involved in the negotiations. C. Eaton proceeded to inform everyone that D. Grover has helped a number of access centers start-up through out the state. No

other access studio has as good a contract as Londonderry does which she attributed to Dottie's hard work. Nicholas LaVallee, Media Services Coordinator for the Town of Merrimack said he disputed the research. He said he never got a call questioning how they were run when they are a town that is constantly being compared to Londonderry. He said that media literacy is not addressed in the agreement. N. Greenberg said a person does not have to be media literate if they want to put on a program. Other people are available to allow them to do it. Dick Gagnon, PEG Access Coordinator from Goffstown Community Television expressed concern that the town would be losing experienced people. He said his studio is shut down during the day while students use the building. He recommended keeping the studio out of school hands, it was OK to share it but keep it for the community. Denise Beauchesne, Dir. of Lakes Region Public Access in Laconia said they provide service for 10 towns roughly 35K homes. She proceeded to explain the structure of her organization. She recommended keeping the public access separate from schools and gave samples of some of the problems they have encountered. Julian Turner, Exec. Dir. of Concord TV in New Hampshire, she recommended not changing. She stressed that the Access Center is here to service all people. She was concerned that the Superintendent of Schools has extra time to take on the new role of access manager. Margaret Case, Chairman of the Windham Cable Board for 20 yrs and is a volunteer there recommended keeping the Access Center as it is. She advised that it is not a good thing for the Access Center to be part of the school. Bill Jennings, Station Manager for BCTV in Bedford, said their budget is now up to \$375K. The Londonderry model is looked at by everyone in NH. It is public, education and government television broadcasting and it needs a unique individual with a unique personality, with unique skills. He said that D. Grover has those unique skills. No one in the state has the school system run public education and government TV. Doris Ballard, Concord Community TV said that her concern is that teacher's don't have the time to get involved. Chris Oliverio, 1 Trolley Car Lane asked about the contract franchise fees. D. Grover explained we get up to 5% of the gross revenues on the television side, it is up to the council how it is spent; she said those are the terms she negotiated in the contract. C. Oliverio expressed concern about fees going down if people drop cable and use their computers instead of the TV.

Councilor DiMarco thanked both the Town Manager and School Superintendent for a good proposal. He said it is important for youth of today to get involved early. He suggested we take another look at the proposal because he has more questions. Councilor Farmer asked if he wanted another public session. Discussion ensued about how the questions would be addressed. Councilor DiMarco proposed that he table it. Chairman Bove said we need more information we need a time frame before tabling it, just delaying it is not fair to town employees, he said he would like a decision tonight. Councilor Brown said that the School Board and the Council were asked to do this exercise. We are trying to find ways to save money for the taxpayers. He said he does not want to make a decision tonight, labor questions need answers. Councilor Wagner said the citizens told the Council to work with the school to consolidate and find tax savings. She said she still has questions and would like answers. Councilor Farmer said the Council can change the collection and distribution of cable fees. Councilor Farmer stated that if this is tabled, Councilors cannot discuss it, they cannot e-mail their questions. This discussion is completely over and then it is taken up again in the future in a public session, that is the way the Charter works. **Councilor DiMarco made a motion to continue this discussion on 3/2/09. Second by Councilor Brown.** It was agreed that the Councilors will forward their question to the Town Manager. **Council's vote 4-1-0, with Chairman Bove dissenting.**

At this point in the meeting Council allowed a quick break.

**Maintenance of Municipal Complex** - Town Manager Caron discussed the current maintenance program and services, which are either contracted services, or employee maintenance. He reviewed the current allocation of resources between the Town Hall, SAU, Police and Library. He said the School has assured him that there will be no re-allocation of personnel for FY10 but there will be for FY11. Everything remains the same for FY10. Barbara Ostertag-Holtkamp, Library Director said the school board voted to reduce the maintenance person by 2 hours per day per week at the 1/15/09 meeting. Town Manager Caron said he was told by the SAU that there would be no reduction in hours for FY10. B. Holtkamp said the employee does not spend 25 hours a week at the Library as stated in the memo. The employee comes in from 7AM-10AM, leaves, then does not come back until 2PM. And from 2PM -2:30PM is their lunch break and he then works from 2:30PM – 3PM so they basically work 3 1/2 hours a day totaling 17 1/2 hours a week. B. Holtkamp said the library needs scheduling flexibility for their own maintenance. Councilor Wagner checked the School Board Meeting Minutes posted on-line to verify if the school was going to continue providing maintenance services for FY10. It was verified that the School Board will still continue providing maintenance services for FY10. Councilor Farmer said we have to come up with a coordinated effort to work on all buildings to find the cost savings to the taxpayers. B. Holtkamp said their building is getting older they need to have a maintenance person with whom they have the flexibility to schedule repairs. She suggested maybe hiring a part-time person with no benefits for 18 hours a week. She also recommended hiring 3 part-time people for Town, Police and Library. She said the Library is looking for a maintenance person not janitorial services. Councilor Farmer said he is proposing that we all work together and come back with a consolidated agreement for janitorial and maintenance services. He said that the Library is asking for \$18K this year but he will not be in favor of adding that to the FY10 budget. He also said the Library Trustees are responsible for the maintenance of the building. Councilor Wagner said to look at this as another collaborative item. She said she will not consider adding \$18K to the budget. Councilor DiMarco suggested bringing this subject back up in the summer. Councilor Brown said that additional cleaning is done at the police station and asked if the Town Manager was looking at that. Town Manager Caron responded he is looking at its cost effectiveness. Councilor Farmer confirmed we could have a plan in place by this summer and have another discussion in late summer next year. B. Holtkamp had a suggestion about splitting the time of the SAU personnel with the Town. Town Manager Caron suggested she meet with the SAU personnel to see how many hours they have available. B. Holtkamp said the 25 hours they spend in the library is not correct. Councilor Farmer said Council is getting conflicting information, get the correct information by this summer and discuss it again.

### **NEW BUSINESS**

**December Ice Storm – After Incident Review** - Chairman Bove said a report has already been done. Town Manager Caron said department heads met who responded to the incident to look at the strengths and weakness of the response. The Emergency Operations Center and ALERT were involved. It was broken down between the emergency operations center and any specific concerns of ALERT. The major area of the report focuses on communication. The HS Gym worked out very well. There is a section in the report on finance, recognizing there are opportunities for reimbursement. Expenses are tracked appropriately. Transportation was a major challenge particularly the clearing of roads. Bolded items are recommended action items. Councilor Wagner asked if it was posted on the website, Town Manager Caron responded it was not posted before Council looked at it because it was in draft form. Councilor Wagner said a lot of people knew it was going to be a long night tonight, asked if it could be scheduled at the next

meeting. Chairman Bove agreed with Councilor Wagner to move it to another meeting. If people wanted hard copies they would be available. Chris Oliverio, 1 Trolley Car Lane, Chairman of ALERT, likes the idea of having it continued at the next meeting. Councilor Farmer asked if the Town has an emergency preparedness plan, Town Manager Caron responded yes, it will be updated in April. Chief MacCaffrie said it is updated once a year. It was decided to post the after incident draft report to the webpage and have the meeting on 3/16/09. Councilor DiMarco thanked the ALERT members for the feedback they gave the Town Manager and also thanked the Town employees.

### **APPROVAL OF MINUTES**

**Councilor DiMarco made a motion to accept the minutes of the Council's 1/19/09 meeting. Seconded by Councilor Wagner, Council's vote 5-0-0.**

### **OTHER BUSINESS**

**Liaison Reports** - Councilor Wagner questioned the Pettingill Road construction. Town Manager Caron said staff is focusing efforts at the state level, as information received indicates that whatever funds are available will come back with a block grant which will give the state some discretion as to how it is allocated

Councilor DiMarco said the Heritage Commission had a joint workshop with the Planning Board on 1/22/09 regarding the Historic Overlay District. A large turnout of citizens attended, and delivered a clear message of not favoring any commercial development.

Councilor Farmer attended the Economic Development Committee Meeting. Proposals were received, the Committee selected 4 for presentations on 2/9. The Committee will reduce to two and made their decision. This is for the marketing company only, does not include the actual website implementation itself. The Conservation Commission would like to see timber cuts prior to coming to Council for signature; Town Manager Caron said he adjust the information sharing process.

Chairman Bove said he only had what Paul Margolin discussed for SWAC.

**Town Manager's Report** – Nothing

**Board/Committee Appointments/Reappointments/Resignations** - Nothing

### **ADJOURNMENT**

**Councilor Wagner made a motion to adjourn at 11:18 PM. Seconded by Councilor DiMarco.** At this point in the meeting Chairman Bove passed his gavel to Vice Chairman Farmer and gave his written resignation to the Vice Chairman. He said there was no point in his being here because the gentlemen and lady will be making all the decisions for the next year. He said he really does not have anything to add that he has not already said. He said he appreciated working with them but did not see a reason for him to be a part of any more discussions. He wished them good luck and exited the meeting. Vice Chairman Farmer said according to the



Charter we cannot appoint anyone because we are within the 90 day window of Town Meeting and we are currently a 4 person council. **Councilor DiMarco made a motion to accept the resignation of Chairman Bove with regrets. Seconded by Councilor Wagner, Council's vote 4-0-0.** Chairman Brown asked what happened and the rest of the Councilors expressed their surprise. **Vice Chairman Farmer again asked for a motion to adjourn, motion by Councilor DiMarco, seconded by Councilor Brown, Council's vote 4-0-0 at 11:20 PM.**

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

Minutes Typed by: Margo Lapietro Date: 02/09/09

Approved; Town Council Date: 03/02/09