

TOWN COUNCIL MEETING
November 05, 2012

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

PRESENT: Chairman, John Farrell; Vice Chairman Tom Dolan; Councilors: Jim Butler; Joe Green (7:50PM); Acting Town Manager, LPD Chief William R. Hart; Finance Director, Sue Hickey, Executive Assistant Margo Lapietro. Absent, Tom Freda.

Call to Order

Chairman Farrell opened the meeting at 7:00PM with the Pledge of Allegiance. This was followed by a moment of silence for the people affected by Hurricane Sandy and the men and women fighting for our country both here and abroad and for first responders.

Public Comment

Beautify Londonderry Committee Chairman John Farrell announced that the Beautify Londonderry Committee was recently honored with a “Volunteer NH Annual Spirit of NH Award”. The Committee was recognized for their efforts to make the town clean.

Marty Srugis, 17 Wimbledon Drive talked about the \$5K LED sign requested by the Londonderry Fire Department. He commented that most people couldn’t get out of their streets with the downed signs and power lines during the recent storm, so they couldn’t read the sign. He suggested that a better solution would be to increase the wattage of the FM station at the North School. They could pass out information to the public rather than spending the money for the sign.

Reed Page Clark, Stonehenge Rd. stated that he was shocked at the amount of negative ads recently seen on TV, in pamphlets and in campaign ads. He also reminded people to get permission from property owners to put political signs up on private property.

Chairman Farrell reminded the public that the polls are open from 7:00AM – 8:00PM at the Londonderry High School, and he urged people to go out and vote. Councilor Dolan reminded everyone that the new voter ID laws are in effect. He also reminded campaign workers that after the election they should retrieve the signs around town as promptly as possible.

Public Hearing

Chairman Farrell laid down the ground rules for the Woodmont/Pillsbury Infrastructure discussion. He explained that the Council can act in an advisory capacity to the Planning Board. Some things can change with the Woodmont plan.

Councilor Dolan made a motion to open the Public Hearing, second Councilor Freda. Councils vote 4-0-0.

Woodmont/Pillsbury Infrastructure Discussion – Chairman Farrell listed the items that the Council discussed based on things they have heard:

Parking lots and meters, what will that revenue will look like and will the town need a workforce to support that and who will get that revenue.

Snow removal and maintenance; sidewalk plows and equipment; what will be required.

Performing Arts Center, will that be for the use of the LHS Band

Public or private facilities e.g. lakeside facilities, outdoor amphitheater, athletic fields; who will be responsible for those, are they public or private

Public safety annex for police and fire; how would we have to re-distribute resources, will we need a 24 x 7 building, will we require a joint dispatch center with a building open 24/7.

Open for discussion. Mike Brown, 5 Carousel Ct. had comments. He said that zoning ordinances should be an integral part of tonight's discussion. He quoted sections of the zoning ordinances and stated that they are directly related to helping our community plan for and mitigate against infrastructure related costs from future residential development. Residential development phasing is the first section and the second is growth management and innovative land use control. We currently have 2 tools in our zoning ordinances that if not waived will greatly help the town forecast the amount of residential units that can be built per year, every year going forward. It will also gauge the cost of infrastructure related to that. Residential phasing gives us the ability to forecast how many residential units will be done in Londonderry for a given development. Those two zoning ordinances currently work very well for us to help plan for and mitigate future residential projects. He said he would like the Council to include in their recommendations to the Planning Board advisory advice to maintain these 2 sections of our current zoning ordinances in full force if the Woodmont project goes forward. He would like to see the Planning Board receive advice from the Town Council that it is in our best interest to the town, in terms of infrastructure and planning for this project; that we maintain those 2 sections in full force should a Master Plan be approved. These 2 ordinances will help us to determine the types of infrastructure for the development. If these are absent we do not have the ability to forecast and then plan for on an annual basis.

Marty Srugis, 17 Wimbledon Dr. said he agrees with the phasing issue. He said in addition to Woodmont we have a developer coming forward with a large development on Perkins Road and also at Lorden Estates at Exit 5. He cautioned the Planning Board to do the phasing carefully so there is not a lot of pressure on the town to keep roads clear and maintained. He said the school is interested in building an auditorium. He said he would like to see the town build a performance arts center so they can use it but have the town control it.

Anne Chiampa, 28 Wedgewood Dr. mentioned that Mashpee Commons in MA has a private security force and has private roads in the development that are privately maintained, should that be considered for Woodmont. She said she doesn't understand why we need fire and police with the close proximity of both to Woodmont Commons. If the developer wants to build their own that is fine. She expressed her concern about the amount of roads proposed in the development. She said the school wants an auditorium connected to LHS, she was not aware of one going into Woodmont Commons. Chairman Farrell said the roads and traffic are for the Planning Board to handle, to close a road it would have to come from the Council. Chairman Farrell said Council would like the development to have the least amount of impact on the taxpayer. If their intent is to have metered parking and we have to take care of it, we should benefit from it. If we have to add public safety employees, we would like to do that at the least amount of cost. According to the law there are only certain things we can do through impact fees but that does not preclude us from asking for things. The Council is trying to get a feel of what is important so they can pass it to the Planning Board. A. Chiampa talked about where the planned open space is in the plans and stated that it is located in a sloping and wet area and it should be placed where the residents reside. She also expressed her concern about damage being done to the old gravestones in the cemetery on Hovey Rd. Chairman Farrell said the care of the cemeteries would be under the control of the Trustees of the Trust Funds. He also said there was talk about donating land to the cemetery on Hovey Rd.

Miles McDonough who is from Bedford, MA but works closely with Joan Miller of 16 Hovey Rd was concerned with the ground water. He commented that no one can predict what can happen with ground water when you start breaking ledge. The homes on Hovey and Trolley Car all have wells and septic that will be impacted by the construction. They shouldn't be forced to hook up to sewer and to pay for it, the developer should pay for it. He also said the town should get more land for the cemetery, it looks better than homes.

Mike Speltz, 18 Sugar Plum Lane said he agreed with Mike Brown about the phasing ordinance, it gives a degree of predictability. He said there are a lot of areas that are vague in the plan. He said he hopes that the Council will advise the Planning Board to eliminate a lot of the ambiguity; give the developer a maximum for each area. Ask the Planning Board to look at it as 2 PUD's, one on the East and the other on the West side of the highway. The fiscal impact study is lacking and it is a crucial item. We want a steady state assessment. Once the project is completely built out we have to know how much tax revenue will it bring in and how much service is in demand for the future. The Planning Board should evaluate the fiscal impact to the town. M. Speltz also stated that the development will have negative impacts to the agricultural soils that are the best in the state. The open space plan is in the wetlands near the east side of the highway. He said we should tell the developer that no loam should be taken off the property; it should remain on the property. M. Speltz also said flood control will be a problem with the watershed in Beaver Brook. He said we should encourage the Planning Board to work with the state to keep the water from leaving that property and retain it. It will contribute to a lot of storm water going into Beaver Brook. M. Speltz said the Planning Board should keep the zoning ordinance, don't ignore it, it still applies.

Reed Clark, Stonehenge Rd. reminded everyone that every new board can amend what is decided tonight.

Mike Brown, 5 Carousel Court said the current residential phasing ordinance allows 15 – 48 residential units maximum per year per development. When we are dealing with a 20 year project there is the likelihood, the odds that we will be in an unsustainable period at some point over the next 20 years. Combining the 2 ordinances allows us to plan in an appropriate fashion particularly the infrastructure. When the PUD came to the Council he asked the planning staff if development in the PUD is subject to residential phasing and GMO; the answer was yes they are unless waived. M. Brown stated that we are in total control of keeping our zoning ordinance, site plan regulations, and sub-division regulations intact unless we decide to waive it. We haven't lost that control, that is our pervue and we should keep it.

Chairman Farrell explained they are closing the Public Hearing and if the public wants this subject on a future agenda then they can have it. If there is no further public comment then he will bring the discussion back to the Council and close the session.

Councilor Dolan said this project is for the next 20 years, growth management and phasing ordinances were added to zoning regulations and are very important. He said our biggest enemy is uncertainty. He wants to encourage the Planning Board to continue to maintain the rules we have on the books; apply them evenly to Woodmont and other developments. Grant exceptions for compelling reasons only.

Councilor Butler said he agreed with the phasing. Councilor Freda recommended looking at it as far as impact is to the tax payers and the town. He said he does not want to subsidize the developer's development. On drainage and traffic issues in addition to other things we should mitigate it so that things are the same going forward. He would advise the Planning Board to maintain the status quo for the town and the people who are going to be affected by it. Chairman Farrell said he would assemble his notes from this evening, Counsel is out of the country and he will share this information with him.

Councilor Dolan made a motion to close the Public Hearing, second Councilor Freda. Council's vote 5-0-0.

Old Business

None

NEW BUSINESS

Budget Presentation – Acting Town Manager, LPD Chief Bill Hart presented the recommended FY14 budget.

Year End Results - The Town had \$124,836 in unexpended appropriations from the FY12 budget, due primarily to departments returning funds to offset revenue shortfalls. The Town had

excess expenditures at the end of FY12 due to impact fee refunds; that project is near completion in every phase. The General Fund revenues were \$338,068.

FY13 Budget Process – A deliberative session will be held on February 4, 2013 when voters will finalize the budget. The voters will have a choice between the Council’s Budget which may be amended at the Deliberative Session and a “Default Budget” Acting Town Manager, LPD Chief Bill Hart explained that the Default Budget is the FY13 Operating Budget adjusted by contractual items and it is also reduced by one-time expenses in the FY13 Operating Budget. He explained that this FY13 is the first year in a default budget.

Operating Budget Guidelines – He was directed by the Council to develop a budget keeping the bottom line of each department within the FY13 default amount, providing justification for increases in specific line items. Additionally, the Council asked for the management services line to show more clearly those actual needs. The Town Managers recommended budget is reflective of an attempt to balance the Council directive within a framework of current economic conditions.

FY14 Municipal Budget - He said when you consider all budget items: General Fund Budget; Revolving Fund-MHT details; Bond Issues; Special Revenue Funds; Capital Reserve/Expendable Trust; Special Warrant Articles/Capital Projects and Overlay/Veteran’s Exemptions the Town Manager’s request is \$27,498,483 which is lower than the Default Budget of \$27,640,402. The increase of the FY13 Town Manager Budget is about \$744K which is due to employee benefits for health insurance and the NH retirement system. Those 2 items alone represent the entire increase in the budget. The total increase of all employee benefits over the prior year is 115.26%.

Revolving Fund – MHT Police Detail – Acting Town Manager, LPD Chief Hart explained the town entered into an agreement to provide law enforcement services to Manchester-Boston Regional Airport. Town meeting approved this agreement in 2007. This agreement was extended in 2011 and it is now a five year agreement with five two year options. The Town receives an administrative fee on some personnel costs. The budget for the airport which has a zero impact to the taxpayers is \$2,596,031. No further action is required by Town Meeting unless it is to discontinue the Revolving Fund.

Bond Issues – The CIP Committee through the Planning Board has recommended bonding of Pettengill Road for \$12,358M and Open Space for \$600K for FY14. The Acting Town Manager stated that his budget did not include either project and that was based on the current economic conditions. The taxpayers in this community have a significant burden to bear in property taxes and he felt that it was not an appropriate choice to make and that will be his recommendation.

Debt Service - Debt Service will be going down about \$2,702,581 in the FY14 year.

Special Revenue Funds - Acting Town Manager Hart explained these funds are supported by user fees and require no taxpayer support. The funds are the Police Outside Detail for \$490,423 and the Sewer Division expenses for \$2,981,129.

Capital Reserve/Maintenance Trust Funds - He allocated an additional \$400K from the Undesignated Fund Balance (UFB) to the Capital Reserve Programs because they have not been funding that in the same manner that we had prior to this time. In order to get us back to where we are in regard to large equipment purchases the acceleration needs to begin in FY14. We have made some short term lease purchase arrangements for large items to get us back to where we need to be. He recommends continuing funding Capital Reserve Funds (CRF) for the Fire Department's Small Equipment Funding which was approved at the 2012 Town Meeting. He said they expect to continue the Expendable Maintenance Trust Fund with an annual investment of \$200K for maintenance and upgrade of town facilities.

Special Warrant Articles – Two Collective Bargaining Agreements are anticipated: LEEA for Department Managers and AFSCME 3657 for Police Personnel. The Roadway Maintenance Trust Fund is expected to be \$400K. The Zoning Ordinance needs updating as discussed at Council and Planning Board meetings and we have put aside \$50K for that.

Overlay/Veteran's Exemptions – The recommendation is to fund \$250K for the Fund Overlay Account. The Veteran's exemptions are being funded at \$486K to maintain individual exemption amount to a maximum level of \$500.00 for each veteran.

Estimated Revenues for the General Fund Operating Budget - Estimated Revenues totaled \$11,098,132 for non-property tax revenues. Changes this year were increases in MV permits, insurance reimbursements, building permits and cable revenue. Decreases occurred in the meals/room tax, interest on investments and the impact fee transfer.

Use of Undesignated Fund Balance - Acting Town Manager Hart reviewed the use of the Undesignated Fund Balance (UFB) for FY14 totaling \$900K.

2013 Estimated Town Tax Rate – The total proposed budget is \$35,428,342 which will result in a \$5.11 tax rate.

Acting Town Manager Hart reviewed the budget meeting schedule. The plan for the Saturday, 11/17/12 meeting where the departments present their budget is to have the major departments go first e.g. Library, Police, Fire, Public Works. Finance will handle all the other smaller departments with the exception of the Town Manager's budget. The direction given to the department heads was to keep it below default and a lot of department heads have done a better job than that.

Councilor Dolan made the comment to spend more time on big items, less time on little items, be efficient in our deliberations.

Order #2012 – 19 – The Distribution of Capital Reserve Funds – Public Works Acting Town Manager, LPD Chief explained the Public Works Director previously discussed the grant received for salt trucks. They received 4 bids and HP Fairfield was granted the bid. **Councilor Green waived the reading of the Order, second Councilor Freda. Council's vote to waive the reading was 5-0-0. Councilor Freda made a motion to adopt, second Councilor Dolan. Open for discussion. Councils vote 5-0-0.**

Resolution #2012-12 – An Amendment to the Municipal Code, Title VI – Town Policy, Chapter 5 A Policy Against Harassment and Reporting Procedure for Discrimination, Harassment, and Retaliation – Acting Town Manager, LPD Chief Hart explained a draft plan was proposed a month ago it was based on a updated model policy supplied by Primex with Council approval. **Councilor Green made a motion to waive the first and second reading, second Councilor Dolan. Open for discussion. Council's vote to waive the first and second reading was 5-0-0. Councilor Dolan made a motion to adopt, the Resolution, second Councilor Green. Council's vote 5-0-0.**

Resolution #2012-13 – Participation in the Local Government Center Health Trust, LLC

Acting Town Manager Hart explained the Town has changed its health insurance providers from LGC to Primex. This Resolution is simply a letter confirming that change. **Councilor Dolan made a motion to waive the first and second reading, second Councilor Freda. Councilor Green made a motion to adopt, second Councilor Dolan. Open for discussion. Council's vote 5-0-0.**

APPROVAL OF MINUTES

Council Meeting Minutes of 10/15/12 – Councilor Freda made a motion to accept the minutes, second Councilor Butler. Council's vote 5-0-0.

OTHER BUSINESS

Liaison Reports – Councilor Butler met with the ZBA, about the development at Perkins Rd Three issues came up and they were seeking counsel's guidance.

Chairman Farrell said he wants to send an e-mail out to the Councilors to schedule a non-public meeting to address the Town Manager job search.

Town Manager Report - Acting Town Manager, LPD Chief William Hart said Londonderry employees worked very well handling the recent power outages with hurricane Sandy. He said our heart goes out to the people in NY & NJ.

Board/Committee Appointments/Reappointments

- A. Re-Appointment of Gary Fisher as an Alternate Member to the Recreation Commission with a three year term expiration of 12/31/15.

**Councilor Green made a motion to re-appoint Gary Fisher, second Councilor Dolan.
Councils vote 5-0-0.**

ADJOURNMENT

**Councilor Dolan made a motion to adjourn at 8:32 PM, second Councilor Freda.
Council's vote 5-0-0.**

Notes and Tapes by: Margo Lapietro Date: 11/05/12

Minutes Typed by: Margo Lapietro Date: 11/07/12

Approved by: Town Council Date: 11/19/12