

1  
2  
3  
4  
5  
6

<p style="text-align: center;"><b><u>TOWN COUNCIL</u></b> <b><u>MEETING MINUTES</u></b> <b><u>December 2, 2013</u></b></p>
--

7 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth  
8 Road, Londonderry, NH.  
9

10 Present: Chairman John Farrell; Vice Chairman Tom Dolan; Councilors Tom Freda, Joe Green and Jim  
11 Butler; Town Manager Kevin Smith; Executive Assistant Kirby Wade  
12

13 **CALL TO ORDER**  
14

15 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of  
16 silence for our first responders during this Holiday season and about those who serve us overseas, those  
17 who are traveling and have unfortunate accidents and circumstances and good well thought for  
18 everyone.  
19

20 **PUBLIC COMMENT**  
21

- 22 • Londonderry Police Chief Bill Hart introduced Sergeant Nick Pinardi. Pinardi is a 17 year veteran  
23 who came to the Londonderry Police from Hooksett where he served as a Sergeant for a number of  
24 years. Pinardi also spent a year as an acting Lieutenant. He has been with Londonderry Police for  
25 four years.

26 **[Council and audience clapped. Pinardi shook hands with the Council]**  
27

- 28 • Musquash conservation area tree stand and KPCA parking presented by Deb Lievens, Chair of the  
29 Londonderry Conservation Commission. Lievens stated these topics have been around for a while.  
30 Lievens stated that they would like direction from the Council on how to move forward with these  
31 situations.  
32
- 33 • Lievens stated that is had been brought to her attention that there are a number of tree stands in the  
34 musquash that have been put there without permission. If you put a permanent tree stand in there,  
35 permission from the Town of Londonderry needs to be given. Lievens stated that after checking the  
36 RSA, they should be taken down and have people ask for permission in the future. Town Manager  
37 Smith spoke with the Town Attorney Ramsdell in regards to how it should be handled. Ramsdell  
38 mentioned that it looks to comply with the State Statute and he didn't see an issue with it.  
39
- 40 • Lievens stated that if you have a temporary tree stand and you take it with you after your outing you  
41 can proceed as you usually do.

- 42
- 43 • Councilor Green asked what kind of permission should these people be given. Town Manager Smith  
44 stated that what Attorney Ramsdell recommended is that there be no formal process. What the  
45 Conservation Commission would like is to be notified, the less formal the process the less liability  
46 we would have as a town.  
47
- 48 • Lievens stated that 6 have been located and that there may be more. Town Manager Smith stated that  
49 if the tree stands aren't down by a certain date, the Conservation Commission will take the stand  
50 down.  
51
- 52 • Councilor Green stated it should be more than just giving permission because if we just gave  
53 permission we wouldn't have any way of keeping track of who did and who didn't. Lievens stated  
54 that the RSA says that you cannot build anything that damages or destroys a tree without written  
55 permission from the property owner. We the town of Londonderry own the property.  
56
- 57 • Attorney Ramsdall stated that if a tree stand is put up in a way that the Conservation Commission  
58 doesn't like, the Conservation Commission can go take it down without permission.  
59
- 60 • Vice Chairman Dolan stated that there should be some form of whose tree stand is who's on the tree  
61 stand. A name plate or something that states that is there tree stand.  
62
- 63 • Mike Speltz, 18 Sugarplum Lane, a member of the Conservation Commission stated that as part of  
64 the notification or asking permission, it would be reasonable to say as a condition of granting that  
65 permission that you put your name on your stand and you also give the location of the stand. Speltz  
66 also stated not to put a stand near the trails.  
67
- 68 • Chairman Farrell stated the Town Manager Smith should reply back to the Conservation  
69 Commission with an answer as to when they can set a date that the stands need to be down by,  
70 before the Council meeting on the 16<sup>th</sup>.  
71
- 72 • Lievens stated that at the Kendall Pond Conservation Area parking lot there has been some  
73 inappropriate behavior after hour. Lievens suggested that the town should post it against nighttime  
74 parking and it was discussed with Police Chief Hart. Lievens states that the Conservation  
75 Commissions recommendation with the Council approval is to post the parking lot for no parking  
76 between 10 PM and 5 AM. Overnight parking has been reported so it would take away that problem.  
77
- 78 • Town Manager Smith stated it was discussed with Attorney Ramsdall who stated it would take a  
79 change in Ordinance that the Town Council would have to pass in order to enforce these parking  
80 hours at that particular site. Chairman Farrell stated that an Ordinance will be needed.  
81
- 82 • The Londonderry Middle School Pirattechs Lego League, Austin Smith, 25 Lawson Farm Rd.,  
83 Elizabeth Iaconis, 1 Lancaster Dr., Carolyn Stoller, 15 Cortland St. and Billy Garvey, 110 Hardy Rd.  
84 They're a first lego legue team, a program that seeks to expose students to science and engineering

85 while focusing on a real world problem every year. This year's problem is 'Natures Furry' and  
86 natural disasters. The Piratechs presented on winter, snow and the cardiac risk of shoveling.  
87

88 **[See attached pamphlet]**  
89

- 90 • Councilor Green stated that he is very excited about what the Piratechs are doing. Councilor Green  
91 stated that they are trying to get some high school juniors and seniors, people that are interested in  
92 doing projects, to help out and lead the project off. They would help round up kids and people who  
93 are interested in helping Londonderry seniors that are in need shovel this winter.  
94
- 95 • Reed Clark, Stonehenge Rd, stated that there have been 6 tree stands on his property for about 10  
96 years. He would like to have someone take them down.  
97

### 98 **PUBLIC HEARING**

99  
100 **None**

### 101 102 **OLD BUSINESS**

- 103  
104 • **Budget hearing will take place at the end of the meeting.**  
105

### 106 **NEW BUSINESS**

- 107  
108 • Solid Waste Disposable Contract, presented by Director of Public Works and Engineering, Janusz  
109 Czyzowski.

110 **[Czyzowski went over PowerPoint. See attached.]**  
111

- 112 • Czyzowski stated that with the current contract the Town has two, one-year options to extend the  
113 contract for fiscal year 15 and 16. Czyzowski presented a proposal with lower prices that the vendor  
114 agreed to. The vendor also agreed to a \$50,000 reduction in the current contract for fiscal year 14.  
115
- 116 • The Council approved the proposal presented by Czyzowski and directed him to proceed with the  
117 extensions to the contract.  
118
- 119 • Vice Chairman Dolan suggested making an exception one or two times a year for people to get rid of  
120 bigger items that they need to throw out. Not only for the convenience of the community but for the  
121 maintenance of the town. Czyzowski stated that it has been looked up in the past and the estimates  
122 were over \$120,000.00 and it was too much. Dolan stated there is a hidden cost and according to the  
123 fire dept. a lot of the items are considered fuel as they accumulate in your basement and attic. Dolan  
124 stated that we owe the citizens a solution. Czyzowski stated that they offer it at reduce cost at the  
125 drop off center. Chairman Farrell suggested that we divide the town up into four pieces and charge

126 the town a nominal amount so that we break even and we will pick it up and drop it off at the drop  
127 off center, every three years. Chairman Farrell stated that the situation is worth exploring.  
128

- 129 • **Ordinance #2011-11A Amended**, ‘An Amendment to the Safety Policy, Municipal Code, Title VI,  
130 Chapter IV’. Town Manager Smith stated there are three recommended changes of the safety code.  
131 Smith went over the Ordinance.  
132
- 133 • Chairman Farrell stated that there is a general standard that is for office and DPW and things like  
134 that, so the intent is to hold the first responders to a high standard? Town Manager Smith stated a  
135 different standard depending on what is in their safety policy procedures. Police Chief Hart stated  
136 that the issue that came up was, often in police and fire service, the rules and regulations governing  
137 the safety policy for the Town of Londonderry have to be set aside.  
138
- 139 • Vice Chairman Dolan made a motion to except the first reading and to schedule a second reading  
140 and public hearing on the 16<sup>th</sup> of December. Second by Councilor Butler. **Chair votes 5-0-0.**  
141
- 142 • **Order #2013-38**, ‘The Award of a Bid for Fire Vehicles’, presented by Fire Chief Darren O’Brien.  
143 Chief O’Brien stated that it is a Council Order to replace two vehicles, one being a 23 year old pick-  
144 up style truck which has served as the departments first rescue truck. Chief O’Brien stated that the  
145 cost to repair it is more than the value of the vehicle. The second vehicle use to be a fire prevention  
146 vehicle from a former Marshall.  
147
- 148 • Chairman Farrell stated that he thanked Chief O’Brien for things that had gone on over the weekend  
149 and that as the alerts came out and the number of accidents that happened over the weekend, having  
150 a chief that lives in town is a great thing. Chairman Farrell thanks Chief O’Brien for being one of the  
151 responders to one of the accidents over the weekend. O’Brien stated that this is a state contract.  
152
- 153 • Motion to approve Order #2013-38 made by Councilor Green and second by Councilor Freda. **Chair**  
154 **votes 5-0-0.**  
155

### 156 **BUDGET HEARING**

157  
158 **[Refer to attachments]**

- 160 • Town Manager Smith stated that there were follow ups to inquires that were presented at the last  
161 budget workshop. Town Manager Smith went over attachments. Town Manager Smith went over the  
162 Budget schedule.  
163
- 164 • Vice Chairman Dolan stated that the deadline for petition warrant articles is Tuesday, January 14<sup>th</sup>.  
165 Dolan asked Finance Director Sue Hickey if that gave them enough time to verify signatures or do  
166 they need it beforehand. Hickey stated that it would give them time to verify signatures but the  
167 earlier the better. Hickey stated the language would need to be run by legal as well, so the sooner the  
168 better.

- 169
- 170 • Chairman Farrell asked the Council and the community if any Bonds were going to be entertained.
- 171 Councilor Freda asked if there needed to be notice even if they were just thinking about doing a
- 172 bond. Hickey stated yes. Hickey stated that is a Public Hearing so it needs 7 days (business days) to
- 173 clear and to be posted. Councilor Freda asked Hickey hat the last date that they could have a Bond
- 174 Hearing would be. Hickey stated that December 23<sup>rd</sup> is the Bond hearing if there are any bonds.
- 175
- 176 • Councilor Freda asked if there are any Bond recommendations coming out of CIP. Chairman Farrell
- 177 stated that there are things that were elevated in CIP but no one has brought a Bond forward.
- 178
- 179 • Hickey stated you could always schedule a Bond hearing and close it if it's not needed. Petition
- 180 Warrant Articles need to be in by the 14<sup>th</sup>.
- 181
- 182 • Chairman Farrell stated that a Bond hearing will be scheduled for the 23<sup>rd</sup> and if we don't have
- 183 anything we will address it on the 16<sup>th</sup>.
- 184
- 185 • Chief Darren O'Brien presented the cost benefit analysis of hiring additional staff. Chief O'Brien
- 186 stated that the Council's question was if we could save more money by hiring more people. Chief
- 187 O'Brien stated that hiring the one firefighter will not benefit the department at this point in time. We
- 188 would have to hire 4 to put each battalion up to 11 personelle so we can drop down to the 10 under
- 189 the direction of the Council. Chief O'Brien stated that in saying that, the cost for 4 firefighters is
- 190 about \$316,000.00 with an estimated overtime replacement savings of about \$70,000.00 per year.
- 191
- 192 • Chairman Chris Melcher, Budget Committee clarified that it is going to cost \$316,000.00 for the
- 193 staff which is going to add to the fire salary budget line and only cut the overtime budget line by
- 194 \$70,000.00. Chief O'Brien stated that that was correct. Chief O'Brien stated that he broke down and
- 195 looked at the amount of shifts that they're taking and the amount of shifts that there were numerous
- 196 people on that certain day, and divided that number out, which is where he came up with the
- 197 \$70,000.00 in savings.
- 198
- 199 • Councilor Freda asked what the beginning salary for a firefighter is. Chief O'Brien stated it is about
- 200 \$46,000.00 nut with benefits and salaries it comes up to about \$79,000.00.
- 201
- 202 • Chairman Farrell stated that it needs to be explained why it's important and the reasons behind it, of
- 203 whether or not the Council and Budget Committee would get behind a Warrant Article for one (1)
- 204 firefighter per year for 4 years, which was suggested.
- 205
- 206 • Councilor Freda stated that a regular shift was 24 hours and asked Chief O'Brien if one of the
- 207 firefighters called in sick, would they need to replace 24 hours or could that person come in after 8
- 208 hours and say he feels better and he finishes his shift. Chief O'Brien stated that they have had people
- 209 take 8 hours of sick time. It varies and it does happen on a 24 hour basis.
- 210
- 211 • Councilor Freda asked Chief O'Brien, once a firefighter is hired how long does it take to get them

212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252

trained. Chief O'Brien stated about 8 months.

- Chairman Farrell stated we are not going to fix the overtime problem by adding staff. Chief O'Brien stated that the money he has in this year's budget, if it's under the Council's direction to staff at a level of 10, he won't be able to with the budget he has.

**[Went on to discuss the Fire Department budget]**

- Chairman Farrell stated that the overarching message is that the Council and the Budget Committee are on board with the fact that we need to look at how to increase staffing and how we do that through a Warrant Article. Chairman Farrell stated that the Council isn't voting right now but it seems like everyone is moving in the same direction. Chairman Farrell stated that the Council plans to be supportive going forward.

**[Refer to attached information for the budget presentation]**

- Chairman Farrell stated that there is a Police Contract that is not listed on the agenda that needs to be addressed. Chief Bill Hart, Town Manager Kevin Smith and Sergeant Kevin Dyer presented. Chief Hart brought the contract forward. Chief Hart stated that there are three significant money items.
  - 1.) 1.8% annual COLA increase to the Union members. Last year they went with a zero increase on a one year extension. This is consistent with what is being negotiated in other communities and may be lower than most communities.
  - 2.) The shift differential for afternoons and midnights, neither of which has changed since 1996 (17 years).
  - 3.) The tuition contribution. Chief Hart said that they have a very competitive use of that fund. Every year it is used up almost in the first semester and always by March of the fiscal year.

**[Chief Hart went on to describe the language changes made to the contract]**

- Chief Hart stated that a contract will be provided to the Council. It is a three year contract. Chief Hart stated that the airport pays their share of all contractual increases and costs.
- Budget Committee Chairman Chris Melcher stated that last year he abstained from the contract last year as his mother was a part of the Union last year, but as of March she will not be so he will be voting on it this year.
- Chairman Farrell stated that the Council will take the contract under advisement and the labor attorney will be addressed.

253 **APPROVAL OF MINUTES**

254

- 255 • Motion to approve minutes for November 18<sup>th</sup>, 2013 made by Vice Chairman Dolan and second by  
256 Councilor Green. **Chair votes 5-0-0.**

257

- 258 • Sue Hickey stated that a preliminary budget recommendation needs to be taken tonight for posting in  
259 the newspaper. If the Council takes the Town Managers recommendations as he made, the general  
260 fund number can be given. Hickey stated it is a 4.82 tax rate. Hickey stated that \$27,919,988.00 is  
261 the general fund budget recommendation. Hickey stated that it is \$166,000.00 below default.  
262

263 **[Hickey referred to budget packet]**

264

- 265 • Town Manager Smith clarified what Chairman Farrell has asked earlier about what all of these  
266 things mean in terms of the tax rate, as Hickey provided the tax rate for the operating balance. All  
267 things considered with the Warrant Articles it increases it by a penny to five-twenty.  
268

- 269 • Councilor Freda asked what the tax rate for the Operating Budget was Hickey stated it is \$4.82 for  
270 just the general fund.  
271

- 272 • Councilor Freda stated that he would like to make a motion that we offer for publication a  
273 preliminary operating budget number of \$27,919,988.00 which represents a tax rate of \$4.82 per  
274 thousand. Second by Councilor Freda. **Chair votes 5-0-0.**  
275

- 276 • Councilor Freda motioned to propose an Expendable Maintenance Trust Warrant Article of  
277 \$100,000.00 and a tax rate of \$0.3. Second by Councilor Green. **Chair votes 5-0-0.**  
278

- 279 • Councilor Freda motioned to propose for garage renovation in the amount of \$125,000.00 with a  
280 corresponding tax rate of \$0.4. Hickey stated that it is \$180,000.00 with \$0.5. Second by Vice  
281 Chairman Dolan. **Chair votes 5-0-0.**  
282

- 283 • Councilor Freda motioned for a Warrant Article to update the commercial and industrial assessment  
284 for the town in the amount of \$145,000.00 with a tax rate of \$0.4. Second by Councilor Green.  
285 **Chair votes 5-0-0.**  
286

- 287 • Councilor Freda motioned for a Warrant Article for Roadway Maintenance Trust Fund in the amount  
288 of \$275,000.00 with a tax rate of \$0.7. Second by Vice Chairman Dolan. **Chair votes 5-0-0.**  
289

- 290 • Councilor Freda motioned for a Warrant Article for the Sewer Division, Sewer Funds in the amount  
291 of \$2,629,815.00 with no corresponding tax because it is offset by user fees. Second by Councilor  
292 Green. **Chair votes 5-0-0.**  
293

- 294 • Councilor Freda motioned for a Special Revenue Fund to except Police Detail Revenues in the

295 amount of \$490,322.00 with corresponding fees so that there's no tax rate effect. Second by Vice  
296 Chairman Dolan. **Chair votes 5-0-0.**  
297

- 298 • Hickey stated that they will be posted accordingly.  
299

300 **LIASON REPORT**

301  
302 **None**

303  
304 **TOWN MANAGER**

- 305  
306 • Town Manager Smith stated that the Senior Center roof continues to be demolished and is moving  
307 along pretty fast.  
308
- 309 • Town forest update from Town Manager Kevin Smith. Smith stated that he has met with both the  
310 Chairman of the Conservation Commission, Deb Lievens and the Chairman of the Heritage  
311 Commission, Art Rugg, to come up with an agreement between the two groups on what should be  
312 done with the town forest in the short term, the mid-term and the long term. The agreement was that  
313 in the short term right now nothing more needs to be done in regards to town forest. The trail there  
314 now is pretty clear at the moment. Smith stated that right now it is a trail within a forest, not a forest  
315 built around a trail. In the mid-term (in the spring) the Conservation Commission, at the  
316 recommendation of the town forester, will look at mitigating the bittersweet issue that is growing in  
317 the town forest. In the long term, what happens to the town forest will come out of recommendations  
318 from the Master Plan Committee, Town Council and the voters.  
319

320 **ADJOURNMENT**

- 321  
322 • Motion made by Councilor Freda and second by Vice Chairman Dolan. Chair votes **5-0-0.**  
323  
324  
325

326	Notes and Tapes by:	Kirby Wade	Date: 12/02/13
327	Minutes Typed by:	Kirby Wade	Date: 12/12/13
328	Approved by:	Town Council	Date: xx/xx/xx

329  
330  
331  
332  
333  
334