

**TOWN COUNCIL MEETING**  
**August 2, 2010**

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

**PRESENT: Town Council: Chairman Paul DiMarco: Vice Chairperson, Sean O’Keefe; Councilors: Mike Brown; Tom Dolan; John Farrell; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.**

**CALL TO ORDER**

Chairman DiMarco 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. The Chairman reviewed the emergency procedures and fire exits.

**PUBLIC COMMENT**

Chairman DiMarco announced the two resolutions scheduled tonight have to be re-scheduled for the 8/23/10 meeting to insure that all abutters were properly noticed.

Chairman DiMarco spoke about the applicability of the State Timber Tax and how it is administered. Due to storm damage in recent years citizens have been concerned about who is responsible for clearing and cleaning up and if there is an associated timber tax for this activity. The rules regarding tree removal are: If a tree or branches are in striking distance of your house no Intent to Cut is required. If you are clearing a new lot to build, no Intent to Cut is required. If you are clearing your back yard then an Intent to Cut is required and a bill will be sent for the amount of wood that is cut. This bill is sent directly to the property owner because they are responsible for all tax bills on their property. It is suggested that the homeowner have a written agreement with the logger stating who will be responsible for the tax. When the homeowner signs the Intent to Cut they are signing that they are the responsible party. Town Manager Caron further clarified that the process and tax are established by state law. Councilor O’Keefe asked the Town Manager what are the timber taxes used for, he responded the revenues go into the Town’s General Fund. The state sends us an approximate value of the timber based on the condition and type of wood.

**Janet Cichocki – Heritage Commission Applicant** - Janet Cichocki explained she has lived in town for 34 years and raised 3 children here. She wants to keep the pleasant small town look which is why she wants to join the commission. Councilor O’Keefe thanked her for stepping forward to volunteer. Councilor Brown thanked her as well and asked her if she is familiar with the process and what her views are regarding increasing the business base. He asked her how we would balance the two. She responded to attract business we should probably have smaller buildings that fit in with our landscape. Councilor Brown asked if she was familiar with the Heritage Commission process, she responded she has attended meetings and met with the members. Councilor Farrell said he had to learn to adapt to change when he was a member of the Planning Board, he further stated that the Heritage Commission is an advisory committee that is empowered by the Planning Board. He said as a member of the Planning Board he had far less

authority than he thought he had. The rule of law is the balancing act. J. Cichocki responding she learned that in the business world. **Councilor Farrell made a motion to accept Janet Cichocki as an alternate member to the Heritage Commission, term to expire 12/31/12, second Councilor O’Keefe. Council’s vote was 5-0-0.**

Councilor O’Keefe asked if we are allowing public comment during the Open Space Taskforce discussion, the consensus was to accept comment with a time limit established for comment.

Councilor Farrell stated that he attended Police Officer Mark Page’s sign-off and retirement luncheon on Friday at the Londonderry Police Department. In attendance were many members of the force, the Sheriff’s Dept., the Manchester Canine unit, and former Chief Joe Ryan. Officer Page retired after 21 years of service to the town. He encouraged all Councilors to attend future functions.

Reed Page Clark, 79 Stonehenge Rd. asked the public to turn the Charter vote down and keep the historic town meeting.

### **PUBLIC HEARING**

**Resolution #2010-19 – Relative to renaming the Class VI portion of Spring Road located between Kitt Lane and Hovey Road** – re-scheduled to the 8/23/10 meeting.

**Resolution #2010-20 – Relative to renaming the Class VI portion of Spring Road located between Trolley Car Lane and I-93** - re-scheduled to the 8/23/10 meeting.

### **OLD BUSINESS**

**Review of Draft 2010 Open Space Task Force Charge** – Mike Speltz, 18 Sugar Plum represented the Conservation Commission. He explained that in 2001 the initial Open Space Plan was adopted; in 2005 a more robust plan that identified the natural resources in town was adopted. It made a passing attempt to obtain financing to protect those resources and answer the question of how much community investment into Open Space is enough. The Commission is recommending that they address some of the issues that they did not pay a lot of attention to in 2005. The question is to identify how much funding is adequate to provide the natural services that Open Space provides. M. Speltz explained the Scope of Work would be done in three Phases. The first would involve obtaining detailed information of the town’s needs for natural services, including but not limited to: drinking water quality and quantity; flood storage; air quality; production of food, fuel and fiber; soil stabilization; outdoor recreation in a natural setting; scenic views; plant and animal habitat and connections between habitat patches; species diversity; and such other natural services as the Task Force may recommend. Phase II will assess the strengths, weaknesses, opportunities, and threats (the “SWOT” analysis) to the provision of each of these services. Phase III will involve developing plans to sustain each of the natural services for the long term and at the levels identified in Phase I; ensure that these plans are economically viable. A lot of work and analysis with the GIS Manager will be involved. The “SWOT” analysis looks at needs, finances and techniques. The regulatory side is another way that should be considered in the Open Space Plan. He said the Town should explore other imaginative incentives or disincentives that can be put in place that will accomplish Open Space goals without using taxpayer funds. The existing plan is due to be updated every 5 years which

is this year. In the Council's goals for this year it was suggested that they look at the Open Space Plan and its economic viability so they have tried to incorporate it into the taskforce charge. Councilor Farrell said he has been involved with the Open Space project for close to 10 years. It started out doing what we wanted it to do; we need to figure out where we go from there. This draft of the charge makes no mention of stewardship and there is no mention of a master plan for open space. Councilor Dolan said he is interested in wetland management and flood control management as part of Open Space. We have had more flood issues lately and need to pay more attention to it. Councilor O'Keefe said he agreed with the stewardship aspect. He spoke about Brookview Drive and asked if there was any value to that area for the Conservation Commission to keep it from flooding again. He also questioned when we stop bonding money, we have to prioritize what we spend the funds on. Councilor Brown stated the program has been successful, we have three working orchards that are major view sheds in Londonderry that have been preserved. He suggested taking a look at the program from 2002 to now, take a hard look at the program from the bottom up. He asked to review the program and ask if the community still values the program. Look at what types of property we should require, how should we fund those, do we bond for future purposes like we have previously done, build up a kitty or approach the community with specific purchases at specific points in time and have them vote on it. Do we continue with the current process we now use for negotiations? What way can we make this whole process more transparent? He is interested in a harder look at the program and whatever the output is from that look is where we will then go with the program. Councilor DiMarco said he would look to the committee to either buy the property outright or by easement. At what point do we purchase or buy an easement. The committee needs to look at that and come up with some clear guidelines. Councilor Dolan said that we should not forget that there are bequests to the town. There are several ways to either acquire the properties or rights to the property by not using taxpayers' dollars and using zoning regulations. Councilor Farrell said he is hearing Councilors DiMarco and Brown saying there should be more of an oversight to the current way we spend taxpayer dollars, someone else should be involved in negotiations so there is more transparency. Tom Freda, 30 Buckingham Drive said we spent about \$16M for Open Space and had no defined goal. The percentage according to the recommendations of the taskforce is no more than 50% and no less than 25%, that is a very vague approach to acquiring the land. He said it tells the sellers in this town that it is not what the land is worth it is our ability to pay, that becomes the price mechanism. He spoke about the Estey deal whereby they sat on the offer for over a year. According to the Conservation Commission meeting minutes Harold Estey indicated that under no circumstances would he consider a second appraisal. He stated that we overspent due to the fact that they would not allow a second estimate. He said we have to hold people accountable for their decisions. Knowingly overspending the taxpayers' money is unacceptable. We should get value for our money. Let the Conservation Commission pick the land, there are plenty of properties we can acquire. Conservation Commission must be taken out of the process as far as negotiation because it is not working and they are an easy mark. He asked why this small group allowed overspending. He asked why they are immune to cutbacks everyone else gets. When they are allowed to overspend while employees face wage freezes does not send the correct message. We need to first figure out how much land you want to buy, how much the taxpayers think is enough of Open Space. The voters should make a decision; it is about 25% of the town's debt. Whatever comes up in the deal should be put to the voters if it is over a certain amount of money. M. Speltz said he disagreed with T. Freda; they have made some good purchases with taxpayers' money. Negotiations are done in closed session due to the fact of having it open it will put the town at a disadvantage in terms of negotiation. He said he is open to the fact of having an early consultation in a closed session with Town Council. M. Speltz said his purpose tonight is just to establish the taskforce charge

and he took notes on comments made by Council. He will come back with another draft of the committee charge. A lot of the comments will be addressed in the Phase II part. Stewardship issues are appropriate to that part. Councilor Dolan agreed that the purpose of this agenda item is to look at the taskforce committee charge. Mr. Freda's comments about how the Conservation Commission executes their mission under the RSA's have nothing to do with what we are looking at tonight. We are looking at putting together a new taskforce and charging them with a certain mission to create a planning document. It has nothing to do with buying property or negotiating. He agreed that M. Speltz could come back with changes to the proposed taskforce. Councilor Farrell asked if anybody had the goal handy so he could re-hear what they asked. Councilor O'Keefe said what T. Freda brought up has some merit. The Conservation Commission has done a good job, but we need to engage the taxpayers. Maybe as a Council we should consider putting a non-binding referendum at Town Meeting and asking the public where we go from here. It is 22% of our debt for land acquisitions. Town Manager Caron found the meeting minutes of 4/5/10 that listed Councils goals. They stated that "Councilor Brown recommending charging a committee to revisit the 2006 Open Space Taskforce for the purpose of reviewing and assessing the current goals and acquisitions methodology in line with community goals and the Town's financial position. Council Farrell suggested that all members be reviewed for a fresh perspective. Chairman DiMarco said the goal should be that we are looking for a fresh team and a new perspective". Councilor Brown said that what he was saying was that personally he thought it was time to re-evaluate if Open Space has value to the public. How that is done he does not know but we should find out if the taxpayers want to continue this program and then we will know what direction to take. Councilor Farrell said that the CIP meeting coming up in August has the Conservation Commission asking for \$2M. He said he is looking for guidance on what to plan for the future. Councilor Dolan said the issue is about stewardship and management, they are the questions, not acquiring more land. The bonds have to be paid because we have acquired the land. Do we want to manage the land or just let it go? We have only asked a volunteer member with the technical expertise to draft a document to create a committee charge it is not a referendum on negotiations that happened in the past. Chairman DiMarco said we have an inventory of Open Space we have concern about the stewardship of those lands. We should ask the public what they want to do going forward, establish goals. How do we pay for it if we decide to go forward and who makes the decision with the negotiations. Councilor Dolan stated that the execution of the Conservation Committee's daily business is not part of what is on the table right now. Chairman DiMarco said that it still needs to be defined as part of the overall scope. Councilor Dolan responded it could be discussed possibly at a future meeting this committee is not the Conservation Committee we are talking about tonight. Councilor Farrell agreed, Phase 1 is the important part. He agreed with the three phases listed in the draft committee charge. Councilor O'Keefe said we have the CIP coming up and have concerns about where we are spending money, we need to know what direction will we take for Open Space. Chairman DiMarco stated that he will not support putting \$2M for Open Space on the warrant this coming year. Councilor Farrell said he will relay this information to the CIP Committee and give them an idea of where the Council stands. Councilor Brown said Mr. Speltz offered to take this back and incorporate some of the feedback and comments heard tonight, we are not in a rush to decide anything tonight. M. Speltz said he would like to get a reaction to one idea. He stated that he thinks he could introduce a phase between 2 and 3 where we raise the level of community input. He stated it is important to do Phase 1 to get information on how the services we benefit from our natural resources come to us. Do the work on what those services lay out for us and take those results to the public for public input. Councilor Dolan said how much money to spend should be the last question after all the planning is done. M. Speltz clarified they are asking for \$2M but \$1M is grant funded so

taxpayers are paying for only \$1M. Councilor Brown asked M. Speltz to call out the word “stewardship” in the next proposal.

**Economic Development Update – Andre Garron: Bella Tucker Home Improvement Group**

Andre Garron, Community Development Director provided a memo listing Economic Development activities for the past month. He proceeded to introduced the development team, the group that has been working with the “Bella Tucker Home Improvement Group” Gen Hemway, P. E., Nick Middleton and Keith Boyle of Cube Studio 3, LLC Toni Nigro of Suffolk Construction and his wife Lisa Nigro, and Allen & Major Assoc. Nick Middleton said they have partner shipped to build a state of the art home for Bella Tucker who is an 8 year old girl who was diagnosed with a rare disease. She had a quad amputation and is currently in rehab and anticipating returning to her home. The project involves constructing a 2,200 sq. ft. expansion onto the house located at 26 Lantern Lane making it a state of the art handicapped accessible home. He stated that the building department has been very cooperative and they expect to finish the house by the first of November. The Council thanked them for their work.

**NEW BUSINESS**

**FY10 Operating Budget – Preliminary Year-End Results -** Town Manager Caron reported the FY10 Comprehensive Annual Financial Report is currently being developed by our CPA firm. It appears that the Town will add about \$224,000 in surplus funds. He said it has been a very difficult year, but pleased with staff’s assistance in managing the General Fund. He directed Department Managers to return 1.25% of their budgets to the General Fund, which was necessary to compensate for lagging revenues, such as Motor vehicle fees and building permit fees. He reviewed the expenditures and revenues. Due to the Department Heads’ cooperation in eliminating expenses and re-arranging priorities we were able to overcome that revenue deficit by insuring that we had funds remaining in the Operating Budget, which should produce after audit a net positive to our undesignated fund balance at the end of the fiscal year. Councilor Brown clarified that the net result for the last year was that we did a good job of managing expenses and minimizing the reductions in revenue. This enabled us to put a quarter of a million dollars back into the fund balance. Town Manager Caron explained that means the money sits in our bank account. Every year the Council looks at the bank account and both the Department of Revenue Administration and the Governor of Finance Association offer recommendations on how much money we should hold in the bank account. They suggest holding that money to fund revenue deficits or other emergencies. The fund balance is for cash flow purposes and also to replenish any deficit situations. We keep an amount lower than the minimum of GFOA and DRA The Council considers any surplus above that amount that is recommended to be kept as a funding source for capital projects. Most of the Town’s revenue sources overall are stable with a sound property tax base. The excess funds have historically been recommended by the Town Council and approved by Town Meeting for specific one time projects. He explained that the FY12 budget appears to be the same. He is expecting a turn-back of dollars from the Litchfield/Mammoth Road project because the bids came in extremely well, and anticipates a similar situation with the Page/28 intersection and the Fire Station project. Now is the best time to complete projects because interest rates are low and the bidding market has been phenomenal. If those projects are completed prior to 6/30/11 we will be able to reflect that available cash as we build the FY12 budget. Chairman DiMarco summarized that the Town under-expended \$427K, the negative side is that the Town received about \$203K less in revenues. Town Manager Caron stated that the tax collection rate for the end of the first billing cycle has fluctuated by under 1%, and has remained steady over the past few years. Chairman DiMarco

proceeded to quote a sentence from the Town Manager's memo: "...the above information demonstrates that proactive efforts by Department Managers has allowed the Town to weather the severely adverse economic conditions of FY10, resulting in the town being in no worse financial condition than when it began the fiscal year on July 1, 2009".

### **APPROVAL OF MINUTES**

**Minutes of Council's Public Meeting of 07/15/10. Councilor Farrell made a motion to accept the 7/15/10 meeting minutes, second Councilor O'Keefe. Council's vote was 5-0-0.**

### **OTHER BUSINESS**

**Liaison Reports -** Councilor Farrell stated that he missed the last Planning Board meeting, they are struggling with the 16 vs. 20 units and the effect it has on senior housing. It is getting confusing and Tim Thompson will have more information for the 8/11 meeting. There are currently no new development plans for review.

Councilor O'Keefe could not make the Heritage Commission meeting.

Councilor Dolan said he had nothing to report.

Councilor Brown said the Londonderry Arts Council had requested repairs be completed at the bandstand and the Town Manager has posted the RFP for repairs.

Chairman DiMarco said he was unable to attend the Manchester Airport Authority meeting but his alternate Don Jorgenson did and sent him a brief summary. They had an emergency response exercise on 7/19/10 involving a number of emergency units and it was very successful. The Highland Inn was bought by MHT for \$10M. The Master Plan is under review for 2018. The glass on the walkway between the terminal and the parking garage will be replaced in November. The Airport and PSNH will be reviewing plans to replace roadway lighting with a new system that is brighter and less expensive to operate. Parking rates were increased but it has not reduced parking use and has increased revenues. There is an RFP out for parking services. All major carriers have signed back on except for United & Continental, which is due to their merger. June revenues are down, but expenses were down as well. Passenger activity down but cargo was up. Councilor Dolan asked if we could invite the MHT Director in for an update and discuss the new noise contours. We should invite the public to see the new contours and interact with the Director at this meeting. Town Manager Caron responded he would contact Airport Director Mark Brewer.

**Town Manager Reports –** Town Manager Caron stated that the N/W Fire Station project continues at almost 30% through completion which is scheduled for November. He reminded the Councilors that their next meetings are 8/23, 9/13 and 9/20. In October the schedule reverts to 1<sup>st</sup> and 3<sup>rd</sup> Mondays of the month. Councilor Dolan asked when the traffic lights will be in operation at Litchfield/Mammoth. He responded it should be in the next couple of weeks. Councilor Brown said Rte. 28/Page Rd. looks almost complete as well. Town Manager said that should also be completed in a few weeks.

**Board/Committee Appointments/Reappointments -**

None

Chairman DiMarco stated that he enter into a Non-Public Session to discuss two personnel matters.

**Councilor Brown made a motion to enter into a Non-Public Session under RSA 91-A:3, paragraph 2, Section A, second by Councilor O’Keefe at 8:55 PM.**

**Aye Councilor John Farrell, Aye Chairman Paul DiMarco, Aye Councilor Sean O’Keefe, Aye Councilor Tom Dolan, Aye Councilor Brown.**

**ADJOURNMENT**

**Notes and Tapes by: Margo Lapietro Date: 08/02/10**

**Minutes Typed by: Margo Lapietro Date: 08/04/10**

**Approved; Town Council Date: 08/23/10**