

TOWN COUNCIL MEETING
December 06, 2010

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

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

Budget Committee Members: Chairman Don Jorgensen; Vice Chair Todd Joncas; Secretary Richard Dillon; John Curran; Dan Lekas; Mark Oswald; and Lisa Whittemore.

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.

PUBLIC COMMENT

Interview of Martin Srugis for Heritage Commission - Martin Srugis, 17 Wimbledon Drive, is still curious about the Woodmont project and the character of the town. Councilor Farrell complimented him on his work at the LAFA fields and thanked him for volunteering. Councilor Brown asked how long has he been on the Heritage Commission, M. Srugis responded about a year. Councilor Brown asked him how talking to businesses and giving them guidance and feedback was working out. M. Surgis responded that Rte. 102 has a mixed bag of buildings because they predate the Commission. We have been reasonable and businesses have been working with them. Chairman Brown brought up the point that M. Srugis is also on the Solid Waste Advisory Committee in addition to LAFA. Chairman DiMarco asked him if anything has changed that would cause a conflict of interest, he responded no.

Interview of Jim Butler Candidate for Heritage Commission – Jim Butler of 57 Mammoth Rd, said his background in construction has spanned over 25 years, and he understands the building process. Councilor Dolan asked him if he has anything in his past or present that would render any conflicts of interest, he responded no. Councilor Brown asked him how familiar is he with the Heritage Commission. J. Butler responded unfortunately he does not go to many meetings but he does watch it on cable. This town is facing some challenges with Woodmont and Pettengill Road projects. He said he wants to keep a good balance in town.

Rep. Al Baldasaro, 41 Hall Rd. spoke about protecting historical homes in the town. He spoke about the Londonderry Times owning an old home in town and operating a business in the building. He explained that Town Staff had explained the process to him. He explained the Paul’s thought they have to come up with \$60K but it is now \$16K needed for an escrow account. A. Baldasaro said the Pauls are prepared to go forward, but the Town has to give them a stay from the court. He said we have an opportunity to keep a business in town. He is asking Council to give direction to the Town Counsel to keep the business in town. The Town Manager

explained that enforcement is in the Court's hands. Councilor Farrell said that Town Planner, Tim Thompson shared information in the past week and his understanding is that the building inspector was going to look at the inside of the home because it has to get a fire annunciation system and needs to be ADA compliant. John Trottier was going to work with Chris Paul to understand exactly what the number was. Councilor Farrell said that Rep. Baldasaro was there and he could correct him if he got something wrong. It was his understanding what he communicated to them was in order to be able to come back in front of the Planning Board, they had to put the money in place and show all the work that was going to be done. They couldn't move back into the building until everything is done and they get a Certificate of Occupancy (CO). Rep. Baldasaro said that was correct and that was negotiated with Chris Paul. They did come up with the \$16K and \$3K. A. Baldasaro said he asked the Fire Marshall and the Building Inspector to give him copies of the code so he can research the law on the state side. Chairman DiMarco said the codes are federal. A. Baldasaro said he is here on behalf of the small business owner and wants to protect the historic property. Councilor Brown said this is not the proper forum he asked the Chairman to direct this topic offline at this point. Chairman DiMarco said his understanding is that this matter is in the hands of the courts right now. Town Manager Caron responded if the Council wants him to talk to the town attorney he will do that but it is not proper at this point to talk about a resolution without consultation with the town attorney to the Town Council. Chairman DiMarco asked the Town Manager to follow-up with Town Attorney, Bart Mayer.

Tom Freda, 30 Buckingham Dr. talked about reducing contributions to various social organizations, and proposing a pay freeze with unions. He said the Conservation Commission has about \$900K in their fund why not ask them to give some money back to the town instead of the cuts that are being proposed. He said taxpayers are funding a lot of conservation efforts by paying bonds with their tax dollars. He said the City of Concord talked about this last year. The Conservation Commission has received \$16M in the past 10 years of taxpayers' money. He passed out a newspaper article from the Concord Monitor about the City of Concord inquiring about Conservation Commission money. Councilor Farrell said it is an interesting point. Councilor Brown said the bonding was approved at Town Meeting and there is a vast difference between us and a city. Town Manager Caron said he would check with counsel on that particular issue. Councilor O'Keefe said he should also find out what the procedure is to go about it. Town Manager said the question to that is whether we need a legislative body action. If you need a legislative body action for budgets, under our Charter that is Town Meeting. If it is a governing body action that is the power of the Town Council. T. Freda said to make it clear that you are asking for a voluntary payment. Councilor Dolan said perhaps the Conservation Commission may not have the power to do that even if we ask them; because the fund is enacted by a legislative body it perhaps requires a legislative body to authorize that diversion of funds. Glen Douglas, 6 Overlook Ave said the Council voted to accept responsibility for the issue on Crowell's Corner. The Planning Board said it wasn't their problem and they get updates at every meeting on what is going on. He said the first court date that Crowell's Corner missed it was communicated to him that they missed it because the court didn't send out the paperwork and Crowell's Corner didn't know there was a court date. They appealed to the court and the town attorney filed an objection and had the appeal denied. Now they have gone to Superior Court and he is hearing that the town attorney is objecting to the stay. If there is nothing Council can do it certainly seems that the Town is going out of its way to stop whatever is going on. He said he does not know who is calling the shots; he asked one Councilor who said they had nothing to do with it. This business has been in town a long time, the town needs to do something and help

them out; there were mistakes on both sides. Superior Court says they can get a stay and the Pauls can stay there and work it out. Councilor O’Keefe addressed the Town Manager and said on the Council side we have been staying out of it. The Planning Board does get updates; who is calling the shots when our lawyer goes to court. In any legal process there always could be a negotiated settlement. He said he has no clue to what has happened other than what he has sat through in the last year and a half. What he has seen is mistakes on the Town’s part and on Crowell’s Corner part. We have had a majority of the Council accept blame for the mistakes that were made. His point is if there is culpability on both sides why we can’t work this out between the business and the Town. Town Manager Caron suggested the Council enter Non-Public Session to discuss the legal matter; it is not proper to discuss a legal matter that is before the NH Supreme Court in a public session. **Councilor Farrell made a motion to go into a non-public session for a discussion of legal matters, per RSA 91-A:3,II (e), second Councilor O’Keefe. Aye John Farrell, Aye Sean O’Keefe, Aye Tom Dolan, Aye Michael Brown, Aye Paul DiMarco. Council went into a Non-Public session at 7:30 PM.**

Councilor Farrell made a motion to come out of non-public at 7:40PM, second Councilor O’Keefe. Aye John Farrell, Aye Paul DiMarco, Aye Sean O’Keefe, Aye Tom Dolan, Aye Michael Brown.

Pauline Caron, 369 Mammoth Rd said when all of the Pillsbury Realty property comes out of current use the Conservation Commission will get a substantial amount of money in excess of \$700K or more.

PUBLIC HEARING

Councilor Farrell made a motion to enter into public hearing, second Councilor O’Keefe. Council’s vote was 5-0-0.

Resolution #2010-24 – Relative to approving the Londonderry Hazardous Mitigation Plan
Councilor O’Keefe made a motion to adopt, second by Councilor Farrell. Fire Chief Kevin MacCaffrie explained the plan has been reviewed and updated. Kyle Zavorotny, 16 Brookview Dr thanked everyone for their help. He pointed out that on page 72 of the document it says “pursue grants to purchase repetitive loss properties on this road.” He said that currently the Town is in a grant process with FEMA to elevate the properties rather than purchase the properties. The document refers to only purchasing the properties. Town Manager Caron said that the motion should be amended to purchase and/or elevate. Jerry Gulezian, 14 Brookview Dr. said after 34 years he could say “Thank You”. Al Baldasaro, 41 Hall Rd. questioned that the purchase part costs the taxpayers and the elevation is FEMA at 100%. Town Manager Caron responded no; there is a match under most programs, there is a federal and a non-federal match. Non-federal match is not necessarily the Town’s responsibility. **Councilor Farrell made a motion to amend page 72 of the report to say “to purchase and/or elevate”, second Councilor O’Keefe. Council’s vote to amend the Resolution was 5-0-0. Councilor Farrell made a motion to accept the amended Resolution, second by Councilor O’Keefe. Council’s vote was 5-0-0.**

Councilor O’Keefe made a motion to close the public hearing, second by Councilor Farrell. Council’s vote was 5-0-0.

OLD BUSINESS

Budget Workshop – Councilor Dolan stated at one previous meeting Council asked the Town Manager to understand how we compare with other communities and their municipal tax rate. Town Manager Caron explained that the Town has been comparing itself against ten (10) other communities for over a decade now. We have been very consistent with all of our comparison studies to keep a constant data set. Of those 10 comparable communities the average equalized tax rate is \$21.18 which is about 2% lower than Londonderry; the median is Londonderry. The Municipal rate average is \$6.88, the median rate is \$7.30. Londonderry is on an equalized basis at \$5.05, so Londonderry's municipal portion of the tax rate is 36.47% below average and about 44.7% below the median.

Town Manager Caron said at the meeting held on 11/29/10, the council gave direction to restore funding for the SRO position at the LHS and restoring the crossing guards which resulted in adding \$137,500 to the budget. The strategy to keep the bottom line budget because of these actions includes:

No cost of living adjustments (COLA) for non-represented employees which are six resulting in saving \$17K off the budget.

Elimination of a clerk position in the Town Clerk/Tax Collector's Office resulting in \$40,525 which will be transferred to the Police Department.

Social Service agencies have a total reduction of 25% from their original requests resulting in a \$13,475 reduction. The Council several years ago requested the Budget Committee take responsibility for re-allocating those dollars. He suggested that if they are different than what was originally recommended by the Budget Committee that that bottom line be reverted back to the Budget Committee for their input as to where those dollars will be allocated.

The Londonderry Police Department (LPD) has reduced their budget by \$21,187 in the areas of maintenance & repairs, dues, overtime, management services and special investigations.

For the Recovery Plan he said they had hoped to return to normal levels in FY15, they are now looking beyond FY15, by using an additional \$30K in Undesignated Fund Balance.

IT Dept. reduced by \$7,500.

Library reduced by \$7,803.

These adjustments equal \$137,550 which continues to meet the Town Council's directive to maintain a level tax rate of \$4.74.

Other issues discussed at the last budget workshop include the Call Company; question of its discontinuance was sent back to the Chief, who suggested that the \$20K appropriation is more

effectively used from overtime account, which would maintain day time staffing and capture more calls for service which are revenue producing.

Consolidation of public safety management was studied in 2003/04 when Chief Sypek retired. Success of that organizational structure is enhanced when there is a strong second tier of subordinates. The Deputy Fire Chief position was eliminated in 2004 therefore the Fire Department lacks that critical second tier. Therefore, he can not recommend this structure at this time. Councilor Farrell questioned the Call Firefighters answering 99 calls and how many hours that involved. The Town Manager responded with information that it involved about 128 hours of emergency responses. Councilor Farrell questioned in the collective bargaining agreement do we have a minimum number of overtime when we have to call somebody out.. Chief MacCaffrie responded it is 1 hour in daytime hours and 2 hours at night.

Facility Management is managed through the Town's Administrative Services Coordinator which is a part-time position in the Town Manager's Office. In 2004 it was a full-time director level position, it was reclassified to mid-level in 04 and then to a part-time in 09. Those facilities responsibilities consume about 1/3 of the positions time which are expected to increase once the coordinator is acquired to manage systems in the police department. A number of minor repairs are completed in house due to the skills of the Admin. Services Coordinator, resulting in a cost savings by not hiring outside contractors. The School District said they are not in a position at this point to assume responsibility for the Town's 8 public facilities.

Cross training has been looked at for a number of years, and those efforts will continue. He and S. Hickey will be conducting a review to establish a central receptionist role which is not a new position, but will look to address the more repetitive citizens requests from a centralized location. Hopefully they will be able to re-direct a lot of the non Tax Clerk/Tax Collector traffic to one location.

The prospect of joining the School District for health coverage is being looked at. All the unions have agreed to look at alternate carriers offering similar coverage. Once that process is completed if the Town has the same carrier as the school they will ask the carrier about any additional savings by joining with the school. It is not necessarily the size of the organization which produces cost savings but more a function of the amount of claims that are driving health care costs.

Delaying the Master Plan fund is not a critical issue; however, the method of funding is through the Undesignated Fund Balance which is not used to fund operating costs.

Southern NH Planning Commission has had a unified role with DOT in developing the Ten Year Plan, which for Londonderry means critical input into projects on I-93, improvements in the Rt. 28 corridor; Airport Access Rd and Pettengill Rd. It makes sense to continue our relationship at this point so the Town can capitalize on both the state and federal priority list to improve major roads in Town.

Call demands to Elliot in Londonderry and to the Manchester-Boston Regional Airport (MHT) analysis was provided by LFD. Chief MacCaffrie reported back that in calendar year 2009 there were 12% calls to the Elliott and 10% were for MHT. In 2010 to date there were 14.2% calls

made to the Elliot and 8.2% were make to MHT. There were some other follow-up questions regarding the impact on responding to those calls and any requirements to use mutual aid.

The Human Resource position was created under the reorganization approved by Council in 2004. We identified the need to insure that all laws, regulations, processes and procedures were in compliance with federal, state and local laws as well as collective bargaining procedures. He said the Council concurred that it would be good business practices to have an HR position. The HR position does not lend itself to outsourcing due to the sheer volume of that position. The Town Manager provided Council with back-up of all the responsibilities of the HR Manager and pointed out that she deals with 6 collective bargaining agreements in addition to numerous employees coming into her office.

One of the goals of this meeting was to arrive at a preliminary budget for our public meeting on 1/3/11. Between now and January 3 there will be more information coming regarding an alternate method to provide Fire Inspector and Marshall services. The question regarding CART will follow. He said he has left a message to have the Executive Director make a presentation at the Council's 12/20/10 meeting. The Town does not have any legal obligation to fund them in FY12. Councilor Brown confirmed the contribution was \$27K, Town Manager Caron said that was correct.

The Communications Combination Report should be in Council's hands by 1/3/11.

Councilor Farrell confirmed that the school facilities manager said no to combining the facilities maintenance work. Town Manager Caron responded in the affirmative, and further stated that our labor load towards managing our buildings is about \$16K a year or about 1/3 of our Admin Services Coordinator's time. Councilor Brown verified that it is \$137K to reinstate the SRO and crossing guards. This recent memo from the Town Manager was his response to the cuts. Councilor Brown said the Council did receive an e-mail about reducing hours at Town Hall by closing early in the form of a half day or a full day. He said he would like a response to that. Town Manager Caron responded that our Town Hall staffing levels are based upon a review of citizen demands over the years, and the number of staff required to meet that demand. If the hours are reduced you still have to allow for time to complete processes that are required by state, local and federal regulations. Additionally, the hours our employees work are set by contracts with the unions. Councilor Brown clarified that we can't reduce hours unless the unions agree. Councilor Brown said the recommendation is to move forward with the Master Plan with the \$50K to come out of the undesignated fund balance, then take an additional \$30K out of that same fund to be part of the \$137K. Town Manager Caron said that is correct. Councilor Brown asked why it would have made more sense to delay the Master Plan for a year and use the \$30K for the recovery plan and to make up the \$137K. Town Manager Caron responded the Town maintains a certain amount of fund balance for cash flow or emergencies as recommended by the Department of Revenue Administration. Whatever undesignated fund balance we have beyond that amount is available for projects. Based upon this budget, the Town will have about \$55K left in the fund. The amount of available funds is getting smaller and smaller due to the economy and as the budgets are tightened every year. It allows us to fund the Master Plan at \$50K and use another \$30K for capital reserve trust fund to extend the recovery plan out to FY15. Councilor Dolan said he is satisfied that we are there with the budget. He wants to hear more from the Budget Committee and the public at the next meeting to provide

some input about the affected services and departments. He wants to hear from the public who and what is impacted. Councilor Farrell asked if the current budget still has the savings of \$137K to include the dispatch center that we have not seen the report on yet, Town Manager Caron responded that is correct. Councilor O'Keefe said with the addition of the SRO and the crossing guards we are at level funding the budget with everything we have in front of us now. Town Manager Caron said the Fire Chief wants to look at a different method of inspections services, which may not impact the budget significantly. The significant question remaining is if the Town will realize those anticipated savings from dispatch in FY12. Presuming that we are, then the budget plan before you is for \$4.74 which is the same as FY11. Chairman DiMarco said the next step would be a motion for a public hearing to present the budget to the public. Town Manager Caron said the next public hearing is on 1/3/11 and then 1/17 is a regular Council meeting. Also on 1/3/11 the Council needs to make a decision for a bond hearing for the \$1M bond, which would require a public hearing on 1/17/11; 2/1/11 is the deadline for citizen's petition, warrant articles. The final public hearing is 2/3/11 and the warrant will be signed on 2/7/11. There are at least three more opportunities to discuss the budget.

Don Jorgenson on behalf of the Budget Committee made a motion to accept the budget as proposed with some caveats. One is the inclusion of the adjustments made by the Town Manager in his memo dated 12/6/10 and the reinstatement of \$13,475 taken from social services agency. They feel that they have the greatest need. They suggest that the LPD, LFD and library assume the \$13,475 reduction by finding it somewhere in their budgets but don't take it from the people who desperately need it. That was the general consensus of the group. Chairman DiMarco clarified that the Budget Committee endorses the budget as presented except for \$13,475 with the adjustments made today. Lisa Whittemore said we also understand that there is further information regarding the Call Center from LPD Chief Hart's report. Todd Joncas clarified that they need a better description on how that is going to work. They discussed making sure that at least 43 regular patrol officers and 1 SRO officer are in the budget. John Curran commended the Town Manager on the work he did on the recent memo. Councilor Farrell clarified that we are still talking about only 9 firefighters on a shift. Town Manager Caron responded that was not correct, this budget does not include any reductions in staffing on full-time positions. His budget recommended a reduction in admin. overtime this was reduced. The same number of responders which is 40 will be on staff. Overtime was increased for the firefighter budget. LFD Chief MacCaffrie said they still try to maintain 10 on call at all times they only drop to 9 when the overtime account dwindles. Councilor Farrell said he is doing some math with the information on the HR Manager position provided tonight and based on that information she is seeing two dozen employees a week that is 1,248 meetings. The police have 90 people, the library has 20 so there are 110 people she does not interact with. That equates to meeting with each employee 14 times a year. That seems to be a big number. Town Manager Caron said that the HR Manager meets with vendors and other people she has to interact with. Lisa Whittemore asked didn't we lose personnel in LFD and asked about the use of the second ambulance. Town Manager Caron responded we have maintained the same number of emergency response personnel as we currently have. The budget is down \$15K in admin overtime from the current fiscal year. The firefighter overtime is up over \$13 - \$14K from last year. We have not reduced first responders. She asked for clarification of maintenance issues at the library. Town Manager Caron responded there are two levels of "maintenance". Custodial involves cleaning the building and currently that is outsourced both in Town Hall and at the library. Currently LPD has an employee which is part of the budget reductions and would go to an outside service. The second level is managing all the systems which our Admin. Coordinator

manages, he will have to assume the additional responsibilities at LPD as of July 1 and also assists with the repairs at the Library. She asked if any of the grants applied for Pettengill Rd. are coming through. Town Manager Caron responded the Town currently has one grant pending for the sewer extension at Pettengill Road. Staff is actively seeking financial partners for the project, which is the reason that presenting a Pettengill Rd. bond to the voters at this point is not recommended.

Town Manager Caron said \$25,697,875 is the proposed operating budget for FY12.

Councilor Brown made a motion for a public hearing for a preliminary operating budget for FY12 of \$25,697,875 to be held on 1/3/11, second Councilor O’Keefe. Councilor Dolan asked how we will advertise for this meeting. Town Manager Caron responded we are required to post a legal notice it will be in the Londonderry Times and on the Town website. Councilor O’Keefe asked if it is possible to ask Continental Paving to borrow their digital sign again and put it up where we normally do informing the public about the first public meeting for the budget. Janusz Czyzowski said he will ask them. **Council’s vote was 5-0-0.**

NEW BUSINESS

None

APPROVAL OF MINUTES

Minutes of Councils’ Budget Meeting of 11/2-/10, 11/22/10, 11/29/10 and Public Meeting of 11/15/10. Councilor O’Keefe had a correction to the meeting held on 11/29/10, line 95 on page 2. It read “Councilor O’Keefe said the budget goal is coming from him, the goal is the goal.” That should be corrected to read “...is coming from the Council” **Councilor Farrell made a motion to approve all the meeting minutes including the amended version for 11/2/10, second by Councilor O’Keefe. Council’s vote was 5-0-0.**

OTHER BUSIENSS

Liaison Reports – Councilor Farrell attended a Planning Board meeting, they had a conceptual plan discussion with Pillsbury/Woodmont Orchards. It will continue this Wednesday.

Chairman DiMarco went to the Library Trustees meeting last Wednesday and they had a discussion about the upcoming budget. Chairman Matchie brought up the fact that the Council discussed on 11/30/09 the question on snow removal and that at that time the Town Manager said he would look into it. Town Manager Caron said he will follow up with it.

Councilor O’Keefe said a few people took offense with the fact that that he said the library was a non-essential service. That was completely taken out of context. A non-essential service meaning that it is not a public safety item. The library does supply a lot of value.

Councilor Dolan attended the Merrimack Water District meeting. Pennichuck has been purchased in its entirety by the City of Nashua. The district was meeting with the Mayor of Nashua tonight to go over the next steps. He will get information and will report back. A

member will come here in the near future for a briefing if there are any impacts on us. Chairman DiMarco asked if they need more approvals, Councilor Dolan responded yes, they have to go through the revenue bonding process. Chairman DiMarco asked if people who currently have Pennichuck pay their water bill to the City of Nashua. Councilor Dolan said he believes the corporation will be kept intact so they will make their payments to the corporation who will have one shareholder, the City of Nashua.

Councilor Brown said he will be attending the Solid Waste meeting this Thursday and they will be talking about a formation of a sub-committee on litter.

Town Manager Report – None

Board/Committee Appointments/Reappointments

- A. Appoint Alternate Member Martin Srugis to a Full Member on the Heritage Commission, term to expire 12/31/13.
- B. Appoint Jim Butler to an Alternate Position on the Heritage Commission, term to expire 12/31/13.

Councilor Dolan made a motion on the above, second by Councilor O’Keefe. Council’s vote was 5-0-0.

Councilor Farrell made a motion to adjourn at 8:45PM second by Councilor O’Keefe. Council’s vote was 5-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>12/06/10</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>12/08/10</u>
Approved;	<u>Town Council</u>	Date: <u>12/21/10</u>