

**TOWN COUNCIL MEETING**  
**May 21, 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 Chair, Tom Dolan; Councilors: Tom Freda, Joe Green, Jim Butler; Town Manager Dave Caron; Executive Assistant Margo Lapietro.

**Call to Order**

Chairman Farrell opened the meeting at 7:04 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**

Londonderry Police Department (LPD) Chief Hart – Chief Hart talked about the employee complaint process, how it works, why it's important and how it builds trust in the community. He explained that the complaint process is important; it is a way to address/cure problems in their agency. It balances tensions and the need for transparency and a fair process. They have a public document (P117) which is an internal affairs document and he said he will put it up on their website shortly. Every complaint is addressed by a first line supervisor (Sergeant); most of the time the problem can be solved by the first line supervisor. The second option is to send it to the Watch Commander of that shift who may decide it has to go further if that is done it then goes to the Chief of Police. The vast majority of cases involve citizens who just want to vent about a particular incident. He said the question posed to the citizen making the complaint is what do they want to happen and the Department then outlines the choices. Most complaints are that the citizen believes he/she was not addressed in an appropriate manner. Often the complaints are unfounded; it is part of the arrest process. The internal affairs process has to be used as a mechanism that builds trust between the community and the police department. When we investigate a complaint it will be treated with seriousness, respect and will be fair to the employee and the complainant. He said he is putting a few documents on the LPD website. Councilor Butler asked how many are in the internal affairs group. Chief Hart responded they don't have an internal affairs committee; those matters are typically assigned to a lieutenant or above who are trained in the conduct of an internal affairs investigation. Internal affairs is a very serious matter. They always suggest having someone who represents the employees' interest at the meeting. Councilor Butler asked in the years between 2011 and 2012 how many complaints have been received. Chief Hart responded this year we had 1 internal affairs matter and less than 5 mid-level complaints. Typically they have around 9-11 internal affairs and the same number of employee complaints. Most of those were resolved at the first level. Councilor Butler asked if we had any unresolved complaints, Chief Hart responded no. Councilor Freda asked if we have any way of tracking the complaints. The Chief responded yes, they have a running list; it is an internal document that is a personnel matter to address discipline issues. On an annual basis he reviews all the files that year and sends a copy of the review, the results, and an overview of the

process to the Town Manager. They are divided into three general headings: Internal Affairs, Administrative Review, and Employee Complaint Form. Councilor Green asked how do you prevent people from being targeted, how do you determine the complaints are not real? Chief Hart responded we believe in our process, it is a transparent process with two independent levels of review. Councilor Dolan brought up the idea of considering an amnesty program for citizens/families trying to deal with illegal drugs in their family unit and their disposal of drugs without being subject to criminal penalties. He asked the Chief to consider that. The Chief said he will look into it, the prosecutor is considering it and he will talk to Attorney Coyle. Councilor Farrell said he would like to see officers work with kids more since the SRO officers have been reduced and suggested a simple wave from the officers on the street to kids would be a good start. Chief Hart responded they are trying to be pro-active.

Londonderry Fire Department (LFD) Chief MacCaffrie – Staffing Levels - Chief MacCaffrie said they have 10 staff per shift, recently the Department filled two vacancies caused by retirements to maintain this staffing level. Long term disability this year has been difficult – 5 were out for various medical reasons. A staffing of 9 is his lowest limit. The overtime has been re-configured whereby 87.5% of the overtime budget is spent in shift coverage. Chairman Farrell questioned how many were on duty today, the Chief responded 8 firefighters and 1 Captain. The Chairman asked when was the last time we had 10 the Chief responded it was a week ago. Chairman Farrell asked him what the plan for their department is. Chief MacCaffrie responded the plan if we had more funds we would put on more people. The Chief said based on a 3 year average plan for overtime the budget is \$35K short. Councilor Green clarified that we decided to change the terminology of overtime to “Replacement Time”. Town Manager Caron responded that division of resources will be incorporated into the FY13 budget beginning on 7/1/12. Councilor Green suggested putting it to the voters to see if they would approve of having replacement time instead of overtime. Chief MacCaffrie said 12.5% of their overtime budget is extra time; call backs for emergencies, training time, etc. Councilor Green stated that one of the members of the Budget Committee suggested the possibility of hiring to cover vacation and sick time. Chief MacCaffrie responded you would have to hire a couple of “floaters” on the budget which would cost about \$170K with benefits. Chief MacCaffrie responded that it is more cost effective with using overtime as opposed to hiring additional personnel who would act as floaters. The Department completed a study which determined that by adding 4 firefighters and increasing the overtime appropriation that it would be more cost effective to reach the goal of staffing 10 responders per shift. Councilor Dolan said that Derry is covering our calls more and more, and we are not reciprocating the mutual aid. Chief MacCaffrie responded the Town has reduced that inequity by geographically splitting up the town and using other towns for mutual aid thereby reducing the burden on Derry mutual aid. Councilor Green suggested getting revenues by using our ambulances at a charge to other towns. Chief MacCaffrie responded they have looked at it but are waiting for the contracts Litchfield and Auburn have with other communities to end. Town Manager Caron pointed out that if the ambulance is on a call to a neighboring town on a paid response it may increase the need for mutual aid in Londonderry. Councilor Freda asked about 2 additional firefighters. The Chief responded if the Town could vary from the current schedule and place them on from 7AM – 7PM during the week which is the busiest time it would help out. Councilor Butler said 49% of calls go out of Station 2, 35% go out of Station 1 and 16% go out of Central. He asked if there was a way to move the ambulance system around to try to even that work out. Central has 2 ambulances parked there and it only takes 16% of the calls. Chief MacCaffrie responded they divide the calls geographically; 49% of their calls come from the Station 2 district, 16% in the middle district

and 35% in the north district, of which not all calls are ambulance calls. The reason the ambulances are at Central is so they can go in either direction in the shortest period of time. Chairman Farrell said he asked the Assistant Town Manager to run some numbers. She has estimated that in this fiscal year we are going to bill \$650K in ambulance fees and we are going to write off \$150K which is a 77% collection rate. He asked how much ambulance revenue are we losing to mutual aid? The Chief responded we lose approximately 100 calls per year totaling at about \$70K. He said the Council in the past made a policy decision not to aggressively seek collections. Town Manager Caron said we are at the point now where additional collection efforts would involve a collections agency or small claims court. Chairman Farrell said we have a problem; we don't have an alternate plan. With 9 people we are running a greater risk of injury as we continue to run with less staff and that is a problem. He asked the Chief how can the Council help. The Chief responded you either increase revenue to support the extra need or provide funds to the department for extra help. Chairman Farrell responded there is no chance of going to the employees and saying we have a creative plan but we need to go about our business a different way. LFD Captain Doug Cardwell said they have looked at different staffing arrangements and their constraints. He said they are running dangerous at a staffing level of 9, everyone is aware of it. It comes down to funding; collecting more ambulance fees will not help. We are running 2 on an engine, they "dead man" the pump if they have to until additional help arrives. Chairman Farrell asked on a percentage basis how often are we waiting for mutual aid. D. Cardwell responded the computer program looks at how they can move people around. Town Manager Caron stated that we can provide the numbers again; but we need taxpayer support for additional staff. Councilor Green proposed 2 extra staff and offering ambulance service to other towns. Councilor Dolan suggested looking at the stats on collections like are they out of state, etc. Chief MacCaffrie responded he can look at that. Councilor Dolan talked about the high disability rate and asked if it is due to being short staffed. The Chief responded most fire departments with disability issues are due to the age of the people on disability, they are older, and the stress/strain of this type of job results in disability. Councilor Dolan asked if the staff size has a relation to disability. Chief MacCaffrie responded there is a lot of data on that and the more on staff the less there is for injury related disability. Town Manager Caron clarified that 5 employees were on long term disability. He wanted to know if they were non-work related injuries or were some of them workman's comp. Chief MacCaffrie responded only 1 was job related the other 4 were off-duty. Councilor Freda said collections work. Town Manager Caron said it has to be a policy decision from the Council. Councilor Freda suggested we should charge for monitoring alarms in businesses located in town like Derry does. Chairman Farrell asked the Chief to look for ways the department can come up with ideas to get more money; the voters need to be educated. He also asked the Chief to be prepared for a meeting on 6/18/12 for Emergency Management Services regarding electric outages so we can communicate with PSNH on the changes. Chief MacCaffrie responded that he is prepared. Capt. Cardwell said our response times are getting better, we have spread out our mutual aid to neighboring communities that do not staff at the level we do. Councilor Dolan asked Capt. Cardwell to explain the three levels of EMT training which he did. He explained back in the 90's when we adopted ambulance service we chose to provide advanced life support services which is the highest training level for EMT's. Chairman Farrell said we are getting ready early to go into budget season, we know what our default number is; we need more information/ideas from the fire department so we understand what our needs are. Chairman Farrell said the problem didn't go away and suggested the Chief send a message to the Town Manager every time staff is reduced from 9. Charging for fire alarms was discussed. The Town Manager asked the Chief outside of electrical storms do you have a lot of false activations in town. Chief MacCaffrie responded

there has been quite a few, sometimes when people don't maintain their systems. The Town Manager asked out of those how many are repeat alarms. The Chief responded about 40% are repeats.

Reed Paige Clark, Stonehenge Rd. talked about advertising meetings in town and the lack of townspeople in attendance.

### **Public Hearing**

None

### **Old Business**

None

### **New Business**

**FY13 Council Goals and Objectives** – Chairman Farrell asked the Councilors to review and discuss this item at the next meeting. He said he is looking for three goals that they can work on to include: Economic Development: potentially raise \$1.5M in commercial tax revenue, and how we are going to do that. We accomplished a lot last year but this year we need to focus around revenues.

**Order #2012-05 Relative to the Distribution of School Impact Fees** – **Councilor Freda made a motion to adopt, second Councilor Green.** Town Manager Caron said the School Department budgets the impact fees as a revenue item to pay for a portion of new development's share of the High School expansion. **Council's vote was 5-0-0.**

### **APPROVAL OF MINUTES**

**Council meeting minutes of 5/07/12** – **Councilor Green made a motion to accept the minutes, second Councilor Freda. Council's vote was 5-0-0.**

### **OTHER BUSINESS**

**Liaison Reports** – None

**Town Manager Report** – Town Manager Caron reviewed the summer meeting schedule. At the last meeting Council discussed the possibility of a stewardship for the Conservation Commission. The Conservation Commission can use the funds from the Conservation Fund for stewardship responsibility. The Council concurred that that Town Manager should present this concept to the Conservation Commission. Community Development Director Andre Garron is submitting an application for the Economic Re-Vitalization Zone which will be brought to Council at the 6/11 meeting for formal approval. Chairman Farrell said they are holding off establishing the Economic Development Committee until we get answers on whether or not we

can pay commissions, etc. Town Manager Caron said that A. Garron returned from his annual Economic Development Training Conference and found that other states give tax breaks to encourage economic development, which staff believes is not authorized in NH, but Town Counsel is reviewing. Staff is also following up on other options, which will be presented to the Council.

Councilor Butler talked about target shooting in the Musquash. Town Manager Caron said that GIS Manager John Vogl is following up on direction from the Council to locate areas in the Musquash that will safely support target shooting. He said he will get back to Council at the next meeting. Councilor Butler said there are three areas of concern: the LPD firing range, the Rod and Gun Club and the target practice. There are spent shells left behind at the sand pit and the concern of the neighbors in the other areas being used for target practice. The concern of the neighbors is it is difficult to get into some of the 500 acres. Councilor Dolan said there are members of the public that won't tolerate any kind of control that involves guns. When someone gets killed or seriously wounded only then will they acknowledge that safety is an issue there. Councilor Green suggested determining a certain time for target shooting. The Town Manager responded that could be determined by the Council. Chairman Farrell said what he is hearing is that the Council would like to have a discussion about what the possibilities are for certain sections of the Musquash to be designated for target shooting and would like to designate times of year, hours of use. Councilor Freda said we heard from the Conservation Commission that they have large areas of land that are completely underutilized, maybe we should use those. Chairman Farrell said we should have it as an agenda item and ask the LPD for their point of view, and then come up to what we should do from a policy standpoint after we have all the facts. Let the citizens submit their point of view after we get the facts. Reed Clark said if he posted no trespassing/hunting the landowner should have recourse if that is ignored. Councilor Freda researched the subject and found in the meeting minutes of 1995 at the Town Meeting, Article 29 was to post no hunting in the Musquash area. "The Conservation Commission voted unanimously in opposition to the Article. They said the Musquash was purchased with the intent for use by all responsible town residents and the Commission is aware that some residents would use the area for hunting. The Commission also recognized hunting as a properly managed means of animal population control and there are no resources to enforce the article in the past. Motion to table the Article was unanimous". Article 28 was about prohibiting the discharge of fire arms within the town limits and it received the same treatment.

Councilor Dolan said he will not make the 6/18 meeting due to business travel.

### **Board/Committee Appointments/Reappointments**

None

**Chairman Farrell announced that Council was going into a Non-Public Session according to RAS-91-A II (a) at 8:35PM**

**Aye Jim Butler, Aye Tom Dolan, Aye John Farrell, Aye Tom Freda, Aye Joe Green.**

**The Council discussed a pending personnel matter.**

## ADJOURNMENT

**Councilor Dolan made a motion to exit Non-Public Session, seal the minutes indefinitely and adjourn the meeting at 9:21 PM, second by Councilor Green. Council's roll call vote was 5-0-0.**

**Notes and Tapes by:                      Margo Lapietro                      Date: 05/21/12**

**Minutes Typed by:                      Margo Lapietro                      Date: 05/22/12**

**Approved by:                      Town Council                      Date: 06/11/12**