

TOWN COUNCIL MEETING
September 10, 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 (absent); Councilors: Tom Freda, Jim Butler (absent); Joe Green; Acting Town Manager, LPD Chief William R. Hart; Executive Assistant Margo Lapietro.

Call to Order

Chairman Farrell opened the meeting at 7:02PM with the Pledge of Allegiance. This was followed by a moment of silence for the anniversary of 9/11, first responders and for the men and women fighting for our country.

Public Comment

Chairman Farrell announced the NH Primary is tomorrow. Polls are open from 7:00AM to 8:00PM at the Londonderry High School.

NH Retirement System – Sharon Carson will not be in attendance and we will try to have her here at the 9/17/12 meeting.

Introduction of New Personnel– Londonderry Chief of Police, William Hart introduced recent hires and promotions. He noted that the Londonderry Explorer Post was in attendance, led by Officer Jay King. Officer Sean Doyle was recently promoted to Detective. Officer Shannon Coyle was promoted to Sergeant. She is the first female to hold rank in their department. Amelia McKeever is a new dispatcher, she has been there since July. Officer Narciso Garcia, Jr. was recently hired and he is going to the Academy next week.

ENH Power – Deb Crowley a representative from ENH Power was in attendance. Chairman Farrell said one of the goals of Council was to search about having a community power authority. Granite Ridge is now a wholesaler and they are not in a position to help us to buy power directly from them. He asked ENH to come in and explain their program. D. Crowley explained that they are a wholesale supplier. They are a direct supplier and purchase power a year in advance and pass that set rate on to the consumer and small to medium businesses. Chairman Farrell asked her to work with our Town Manager to get information up on the town website. He said he has heard savings could be achieved of up to 20% on the supplier side. D. Crowley explained that PSNH maintains the poles, wires, meters and the supply side is ENH Power or PSNH. D. Crowley said they are now about 2% less than PSNH but there are no seasonal fluctuations to the cost of the kilowatt. It will always stay the same rate which is now 0.699 thru the year. Councilor Freda asked if there were additional costs to join. D. Crowley responded it is free to join. Chairman Farrell asked who to call when we have power outages; D. Crowley said you should still call PSNH they own the physical components. Open to public.

Pauline Caron 369 Mammoth Rd asked if this service will eventually go to municipalities, right now it is only available to residences and small business. D. Crowley responded if you are "G" rated on your power they can supply, if you are a municipality it depends on the size. P. Caron said they should look into the town and the school district, D. Crowley said she would check it out. She said they also partner with the 501C-3 in NH, they support some non-profits.

Budget Committee Interviews. Chairman Farrell stated that there were supposed to be 3 candidates to be interviewed, Ron Campo, Amy Finamore and Todd Joncas. The only candidate in attendance was Todd Joncas. Councilor Freda asked him why he wanted to be on the Budget Committee again. He responded he is interested in helping out the community. His personal/professional calendar has opened up and he is interested in giving back to the community in a fiscally responsible manner on both the school and town side. He said we should be able to maintain a reasonable tax rate for those services. He said over the past 3 years he served on the Budget Committee he always tried to take an objective approach to the budget. Councilor Green asked him if he was going to take the same approach taken last year; is anything a challenge. T. Joncas said that the current tact is a good approach especially by speaking to the department heads before getting into the budget process. Chairman Farrell explained that they have other candidates to interview and he will get back to him.

Lisa Whittemore, 40 Griffin Rd. invited the Councilors to attend the next Planning Board meeting which is being held on 9/12/12 to go over the proposed Master Plan. Marty Srugis, 17 Wimbledon Dr. a member of the Master Plan Steering Committee was in attendance and said they had many changes before this first draft. He said we need a lot of input from people in the town. L. Whittemore said there is a Facebook page for the Master Plan online; copies of the proposed Master Plan are available at the library and Town Hall. Councilor Green stated the Master Plan is important to the town; it is a road map to where we go in the future. He asked people to show up to give their input.

Pauline Caron, 369 Mammoth Rd, Chair of the Library Trustees said at the last Council meeting Acting Town Manager LPD Chief Hart said the library would be on the agenda tonight. Chairman Farrell said the matter has been resolved and we are all proceeding forward. P. Caron handed out a letter dated 8/13/04 from former Town Manager David Caron (copy attached). It was about a legal opinion he obtained from counsel regarding the status of the town and the library. She said as far as she knows the statutes have not changed. She said after you read the letter she suggested that they read the draft minutes of last Wednesday's Library Trustees meeting which is posted on the website. Chairman Farrell said to his understanding the Finance Director and the Library Director have come to an agreement to work more closely. He clarified no one is disagreeing with the legal opinion. We are asking the library to do what all other departments are doing, lending more visibility into the finances. He explained under the statute the Councilors are allowed to ask questions of the library, we have no ability to direct you on how to spend the money. Like every other taxpayer we are allowed to ask questions. It was done in a memo format, we are trying to provide more visibility to the tax payers, and he requested that they please work with us. P. Caron responded the library has been reporting on their budget for over 10 years, every month.

Chairman Farrell said the Council will be doing their budget this year by doing a 10 year “look back” on all departments. The number one expense we face as a community is that of providing the services to our community and our personnel. Personnel costs probably carries between 75 – 80% of the expenses. They are looking at every single department for every single area to lend greater visibility to the tax payer. What do wages, pensions, and benefits cost and are laying it out by department. We will look at each department; see what their needs are and try to work with the Budget Committee to establish a real budget that faces the real needs of the community. We are looking at it now so we can prepare for it. The town budget in 2003 was \$19M today it is \$26M – we have gone up \$7M. We are looking at the default budget to make decisions.

Public Hearing

Ordinance #2012-01 – Amendment to the Zoning Ordinance Relating to Rezoning Map 10, Lot 122, Mercury Drive at Nevins Drive - Cynthia May, Town Planner was in attendance and explained the Ordinance. She explained that lot 7-123 was merged with lot 7-122 but currently the former lot on 7-123 remains zoned C-1. A small portion is currently slated for construction. The Planning Board recommends re-zoning it to R-III so that both lots are the same. Open for discussion. **Councilor Freda made a motion to waive the second reading, second Councilor Green. Councils’ vote 3-0-0. Councilor Freda made a motion to adopt the Ordinance, second Councilor Green. Councils’ vote 3-0-0.**

Old Business

None

New Business

Order #2012-15 – Expenditure of Maintenance Trust Funds for Various Projects - Chairman Farrell stated a constituent questioned if we are spending the funds correctly. It was researched. Acting Town Manager, LPD Chief Hart said Statue Chap. 31 of the NH RSA’s, Section 19-a states that a “town may at any annual or a special meeting grant such sums of money as it deems necessary to create trust funds for the maintenance and operation of the town and any other public purpose.” In 2003 at the town meeting in Article #5 the town voted to spend monies for that purpose. We are within the statute. He said the concern was about a security system we are putting in this building that costs about \$10K. It is a new system and he explained we are moving from a key system to a fob system. Councilor Green asked how many bids are usually required for a contract; Acting Town Manager, LPD Chief Hart responded we usually get 3 and that process has been followed. This is the cheapest bid for doing the outside doors of the building. This system will allow us to expand to include the inside doors over time. Councilor Green said he wants to see the bids before the Council meetings going forward. Chairman Farrell read the Order and **Councilor Freda made a motion to adopt, second Councilor Green. Councils’ vote 3-0-0.**

Inter-Municipal Agreement with the City of Manchester for Sewage Treatment - Public Works Director, Janusz Czyzowski was in attendance asking Council to adopt the revised Inter-Municipal Agreement between the City of Manchester and the Town of Londonderry regarding the treatment of town sewage. He stressed that this is paid by fees collected from the sewer users

not by taxes. Rick Hunter, the Superintendent of the treatment plant in Manchester and Bob Kerry the town's Environmental Engineer were in attendance. J. Czyzowski explained our existing agreement was done in 1979. The plant capacity had to be revised and updated. R. Hunter explained that three years ago he appeared before Council to explain the need for the upgrade and the necessary revision to the agreement. This agreement which involves several towns was reviewed by each individual town's attorney, staff, consulting engineers and insurance carriers. When adopted by each town the agreement will be submitted to the Attorney General's office for final approval. Key points in the revised agreement:

Additional capacity for flow, BOD's and total suspended solids

They reviewed Londonderry's facilities plan and incorporated the need into an upgrade design

J. Czyzowski reviewed the capital options breakdown. Rick Canton proceeded to review the percentages. He said the upgrade is due to the age of the plant, regulations and plant capacity. He invited the Councilors to tour the plant. Councilor Green mentioned there is a push by townspeople in the Master Plan to increase sewage throughout the town. He asked if they are just upgrading to take care of the capacity now or are they planning for future expansion. R. Canton responded they are planning for future expansion. Londonderry is going from 3 million gallons to 4 million gallons. The costs for the original O&M in 2011 was for \$840,907. and \$563,198 for 2012 which resulted in an increase of 22.44%. The new method in 2011 was \$1,029,617 and for 2012 it will be \$703,165 which results in an increase of 24.85%.

J. Czyzowski said when it is adopted he will come to Council to increase the sewer rates maybe at a rate of 10% each year. Open for discussion. **Councilor Freda made a motion to adopt the Inter-municipal Wastewater Agreement between the City of Manchester and the Town of Londonderry as presented, second Councilor Green. Councils' vote 3-0-0.**

Order #2012-16 – Distribution of Fire Equipment from the Capital Reserve Funds –

Councilor Freda read the first reading, public meeting **and made a motion to adopt; waive the second reading, second Councilor Green. Councilor Freda made a motion to strike out “2012 Deliberative Session” and replace with “Town Meeting”. Councilor Freda made a motion to approve the amendment, second Councilor Green. Councils' vote 3-0-0.** Councilor Green said he would like more detail. Chief MacCaffrie was in attendance and he said part of Capital Improvement Plan was to have more rescue tools for a power unit, rescue cutters and protective equipment. Councilor Green asked how was it determined if we got good prices. Chief MacCaffrie explained they got 3 quotes. Councilor Green asked to see the bids and Chief MacCaffrie explained they attached them when they handed them in with the purchase orders.

Police Firing Range - Chairman Farrell said he was contacted by Tom Kimball who owns the Londonderry Country Club. Mr. Kimball has concerns about the police firing range; people who golf at his Country Club are concerned about the gunshots they hear while on the golf course. Mr. Kimball said this is affecting his business. Chairman Farrell stated that there is no relief that they can find under state statutes. It has been decided to hold a published public Town Council meeting with our attorney and the Acting Town Manager present at the Londonderry Country Club. They will request that the Londonderry Police Department along with Fish and Game actively shoot at the firing range while everyone is present to experience the noise. The Council

agreed to go out to the Country Club. T. Kimball said he has been through this before in 1990. He stated that the town has known that this has been a problem for over 20 years. He said in the past he had submitted an Ordinance but it was defeated. He said people are always calling up complaining about shooting. Chairman Farrell said he will post it as a public meeting and people are welcome to attend. He appointed the police department to coordinate the meeting. Councilor Green asked T. Kimball if he had a solution. Mr. Kimball's solution is an indoor firing range. He pointed out that there is one in Manchester if Londonderry doesn't want to build their own. Councilor Green asked if Londonderry built its own how it would be funded; Chairman Farrell said it would be done by a bond which goes to the voters. The consensus was to post a public meeting at the Londonderry Country Club and work with the police to organize the meeting. T. Kimball suggested going to Google maps to see what is in the area.

APPROVAL OF MINUTES

Council Meeting Minutes of 8/20/12 – Councilor Green made a motion to accept the minutes, second Councilor Freda. Councils' vote 3-0-0.

OTHER BUSINESS

Liaison Reports – Councilor Freda attended the Planning Board meeting and the Woodmont application was continued to October.

Councilor Green attended the Library Trustee's meeting; they agreed to submit the monthly financial report. They requested that letters be more of an invitation rather than a directive. Acting Town Manager LPD Chief Hart said it was not his intention that the letter be interpreted as a directive; he heartily apologized; it was not meant to offend. He explained the letter was simply an opportunity to move communication to effectively reach out and offer the assistance of Finance. He apologized if anyone took offense. Councilor Green said the library use continues to go up. They looked at some preliminary budget information and it looked fine. They agreed to have longer times of operation on Saturday without increasing their budget. He noted that there is a very positive continuity flowing between the town and the library.

Town Manager Report - Acting Town Manager LPD Chief William Hart said he had nothing to report.

Board/Committee Appointments/Reappointments

- A. Resignation of Marty Srugis from the Budget Committee, term to expire 3/12/15. **Councilor Green made a motion to accept, second Councilor Freda. Councils' vote 3-0-0.**
- B. Resignation of Ken Henault from the Conservation Commission. **Councilor Freda made a motion to accept, second Councilor Green. Councils' vote 3-0-0.**
- C. Re-Appoint Marge Badois from an Alternate member on the Conservation Commission to a Full member with a term expiration of 12/31/14. **Councilor Green made a motion to accept, second Councilor Freda. Councils' vote 3-0-0.**
- D. Re-Appointment of Susan Haussler to the Elder Affairs Committee, 3 year term to expire 12/31/15. **Councilor Green made a motion to accept, second Councilor Freda. Councils' vote 3-0-0.**

- E. Re-Appointment of William Manning to the Recreation Commission, 3 year term to expire 12/31/15. **Councilor Green made a motion to accept, second Councilor Freda. Councils' vote 3-0-0.**

- F. Re-Appointment of Gary Stewart to the Solid Waste and Environment Committee, 3 year term to expire 12/31/15. **Councilor Green made a motion to accept, second Councilor Freda. Councils' vote 3-0-0.**

ADJOURNMENT

Councilor Freda made a motion to adjourn at 8:12 PM and go to a non-meeting, second Councilor Green. Councils' vote 3-0-0.

Notes and Tapes by: Margo Lapietro Date: 09/10/12

Minutes Typed by: Margo Lapietro Date: 09/12/12

Approved by: Town Council Date: 09/17/12



TOWN OF LONDONDERRY

Town Manager

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August 13, 2004

Mr. Richard Matchie, Chair
Board of Library Trustees
Leach Library
276 Mammoth Road
Londonderry, NH 03053

Dear Dick:

I recently spoke with Town Counsel Bart Mayer regarding my responsibilities under the Town Charter and how those duties interact with the Library Trustees' responsibilities under State Statute. As you may know, a court ruling some time ago involving the Town of Littleton affirmed that Library Trustees have additional responsibilities beyond those customarily granted to other Board and Commissions.

Specifically, Attorney Mayer has confirmed that the Board of Library Trustees has powers similar to those of a Board of Selectmen. The Trustees comprise the Governing Body for the Library and as such, have the authority over personnel, budget administration and policy adoption. These powers are set forth in RSA 202-A, RSA 37 and the Town Charter delegate the responsibility of managing the overall budget to the Town Manager.

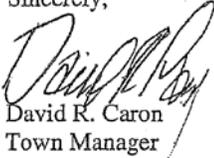
In order to insure that we all meet our statutory responsibilities, I have instructed my staff and the town auditors as follows:

- 1) The Library Trustees are responsible for the expenditure of their budget in a manner as they see fit. Accordingly, Finance and Administration will continue to process payroll and invoices up to the FY 05 appropriation of \$1,018,799.00. F&A will not review submittals for compliance with any state statutes, nor will payroll or invoices be processed once the FY05 appropriation is expended.
- 2) As we adopt best management policies and procedures such as the Purchasing Policy and Travel Policy, those will be shared with the Library Trustees. Should the Trustees decide to adopt those policies, adherence to and compliance with those policies shall rest with the Trustees.

- 3) Auditing of all town records shall continue under a single audit. The auditors will be instructed to direct all questions and concerns that might arise regarding the expenditure of Library appropriations, to the Trustees and/or Librarian.

I believe these procedures will allow the Trustees to govern library affairs pursuant to statute, and simultaneously allow me to meet my statutory and Town Charter responsibilities. Please let me know if you have any questions regarding these issues.

Sincerely,



David R. Caron
Town Manager

cc. Town Council
Sue Hickey, ATM – F&A
Barbara Ostertag-Holtkamp, Librarian
Frank Biron, CPA, Melanson & Heath