

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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1 **April 16, 2018**

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3 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall,  
4 268B Mammoth Road, Londonderry, NH.  
5

6 Present: Chairman John Farrell; Vice-Chairman Joe Green; Councilors Tom Dolan, Jim  
7 Butler & Ted Combes; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik;  
8 Executive Assistant Kirby Brown;  
9

## 10 **CALL TO ORDER**

11  
12 Chairman Farrell called the Town Council special meeting to order. Councilor Combes led  
13 the Pledge of Allegiance. This was followed by a moment of silence for those who serve  
14 us both here and abroad.  
15

## 16 **PUBLIC COMMENT**

17  
18 Chairman Farrell invited up Town Clerk Sherry Farrell to discuss the new Town Clerk hours  
19 which will be 8 AM – 5 PM now. Farrell stated that she hopes this will help the public with  
20 being able to get to the Town Hall to do car registration or dog licensing before they have  
21 to go to work. Town Manager Smith commended Farrell for being attentive to the needs of  
22 the residents.  
23

24 Chairman Farrell invited up Police Chief Bill Hart to recognize the telecommunication  
25 officers and give an introduction of the new Police Department Employee. Chief Hart  
26 invited up Fire Chief Darren O'Brien to present the telecommunication operators with him.  
27 Chief Hart stated that most often these people are the true first responders.  
28

29 Will Lyman, 3 Timber St, stated that he has lived in Londonderry on and off for fifty years.  
30 Lyman spoke on behalf of the Kendall Pond neighborhood and their group called friends of  
31 Kendall Pond. Lyman stated that they all use those trails and they are here to promote low  
32 impact use of that land. Chairman Farrell stated that Kendall Pond will be discussed under  
33 Public Hearing if he wants to wait to discuss it then.  
34

35 Councilor Dolan read into the record a letter he wrote about the school board shortfall. See  
36 attached for letter.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## PUBLIC HEARING

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39 Motion to enter public hearing made by Councilor Dolan and second by Vice Chairman  
40 Green. Chair votes 5-0-0.  
41  
42 Chairman Farrell introduced Ordinance #2018-01, an amendment to the Municipal Code,  
43 Title III Land Use Codes, Chapter IV Conservation Area relating to Kendall Pond parking  
44 lots. Town Manager Smith presented the Ordinance change. Smith stated that it was  
45 discussed last fall that this area has been a problem area with unwanted behavior. The  
46 parking lot has been closed off for the winter. Smith stated that the Conservation  
47 Commission decided not to have a gate and instead they want to amend the Ordinance to  
48 add two new paragraphs and the hours of operation. Smith stated that this is what the  
49 Conservation Commission has come up with to police the area.  
50  
51 Will Lyman, 3 Timber St., related that they are a group of concerned residents and neighbors  
52 and the support public access but at the same time they would like additional measures to  
53 keep an eye on the area since there have been things happening there over the past few years.  
54 Lyman stated that it is a conservation area.  
55  
56 Councilor Butler stated that the Council recently saved the Conservation Commission  
57 \$20,000. Councilor Butler stated that he does not understand why the Conservation  
58 Commission cannot pay for a gate.  
59  
60 Chairman Farrell discussed two options that the Council can recommend. One is to close  
61 the area all together. The second is to not remove the logs. The third option is what the  
62 Council has in front of them. Councilor Dolan stated that we should figure out a path on  
63 how to use it since we purchased the conservation land we should not be shutting it down  
64 unless we are going to stop buying conservation land if we aren't going to use it. Town  
65 Manager Smith stated that what is we keep the logs there but open the park. You just  
66 wouldn't have a parking area. Or there could be a non-electric gate and one of the neighbors  
67 could open and close the gate each date. Chairman Farrell stated that we would have to  
68 check legal liability on that.  
69  
70 John Kelly, 3 Grove St, stated that the only problem with the logs is that it is going to create  
71 an accident or traffic issue.  
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## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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73 Marge Badois stated that the Conservation Commission has weighed all of their options.  
74 Councilor Butler motioned to table to Ordinance and public hearing for further discussion.  
75 Second by Vice Chairman Green. Chair votes 5-0-0.

76  
77 Motion to close public hearing made by Councilor Dolan and second by Vice Chairman  
78 Green. Chair votes 5-0-0.

79

### **OLD BUSINESS**

80  
81  
82 Chairman Farrell introduced the Town Council public comment rules. Councilor Dolan  
83 stated that this is from training the Council received from the Municipal Association, how  
84 to run public comment. Councilor Dolan suggested that the Council passes the comment  
85 rules. Councilor Dolan motioned to accept the rules for public comment. Second by Vice  
86 Chairman Green. Chair votes 5-0-0.

87

### **NEW BUSINESS**

88  
89  
90 Chairman Farrell introduced the review of the contract between the Town of Londonderry  
91 and Superfund Solar, LLC. Steve Cotton and Chris Stewart presented. Town manager Smith  
92 stated that they are looking at the superfund site off of Auburn Road. It would be the largest  
93 solar in the state to date. Cotton stated that it is 200 acres but they will not be using all 200  
94 acres. Cotton stated it used to be the former town dump and solid waste area. Cotton stated  
95 that they will be using 85 acres. Stewart went over the lease agreement. The Council gave  
96 their consensus to move forward with the project.

97

98 Chairman Farrell introduced Order #2018-07, an Order relative to the expenditure of  
99 Maintenance Trust Fund for various projects and winter maintenance. Steve Cotton  
100 presented order #2018-07. Motion to approve Order #2018-07 made by Councilor Dolan  
101 and second by Vice Chairman Green. Chair votes 5-0-0.

102

103 Chairman Farrell introduced Resolution #2018-03, an amendment to the Municipal Code  
104 Title VI, Town Policy, Chapter XVII, Financial Management Policy, Section XI, Budget  
105 Guidelines. Town Manager Smith presented. Smith stated that what we are faced with  
106 currently is that we have to make up a \$600,000 shortfall. Smith stated that the Resolution  
107 doesn't need a public hearing. Councilor Combes asked how much available balance does  
108 this leave for the town. Smith stated that this would free up approximately 3 million dollars

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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109 of the fund balance. After covering the shortfall it will leave 2.8 million of available fund  
110 balance going into the new fiscal year. Chairman Farrell read the Resolution into the record.  
111 Motion to approve Resolution #2018-03 made by

112  
113 Chairman Farrell introduced Resolution #2018-04, a Resolution relative to the process for  
114 Conservation Land acquisitions. This essentially will get rid of the JNC in the lane  
115 acquisition process. Smith discussed the new process. Vice Chairman Green read the  
116 Resolution into the record. Motion to approve Resolution #2018-04 made by Councilor  
117 Dolan and second by Councilor Butler. Chair votes 5-0-0. The Conservation Commission  
118 stated that they had wished the Council had given the Commission a copy.

119  
120 Chairman Farrell introduce Resolution #2018-05, the sanctioning of Londonderry Soccer  
121 Club. Smith stated that this is a long time coming. Smith stated that soccer in Londonderry  
122 has operated under two different organizations, recreation and travel. Now they are coming  
123 together as one and known as Londonderry Soccer Club. Motion to approve Resolution  
124 #2018-05 made by Vice Chairman Green and second by Council Butler. Chair votes 5-0-0.

125  
126 Chairman Farrell introduced Ordinance #2018-02, an amendment to the Municipal Code,  
127 Title I, Chapter XXVII, relating to the approval of sanctioned recreation groups, Section  
128 IV, eligibility criteria. There will be a Public Hearing on this Ordinance at the next meeting  
129 on May 7<sup>th</sup>. This would allow the Town to randomly audit the recreation groups if they ever  
130 needed to. Motion to waive first reading made by Vice Chairman Green and second by  
131 Councilor Dolan. Chair votes 5-0-0.

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### **APPROVAL OF MINUTES**

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136 Motion to Approve Town Council minutes from April 2, 2018 made by Councilor Dolan  
137 and second by Vice Chairman Green. Chair votes 5-0-0.

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### **TOWN MANAGER REPORT**

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**NONE**

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### **ASSISTANT TOWN MANAGER REPORT**

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# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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**NONE**

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**ADJOURNMENT**

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149 Motion to adjourn made by Councilor Dolan and second by Vice Chairman Green. Chair  
150 votes 5-0-0.

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152 Notes and Tapes by: Kirby Brown Date: 04/16/2018

153 Minutes Typed by: Kirby Brown Date: 04/20/2018

154 Approved by: Town Council Date: 05/07/2018

School Board says “No” to helping town with \$600,000 shortfall”

“...town made error”

“...town was resp for the shortfall”

“...take care of your mistake”

I want to correct the record. And will be suggesting ways to address this problem with the most important element being: **What’s right for the taxpayers?**

First of all, the town never asked the school for help with the shortfall. We simply identified that the town government had a \$160,000 problem and the School District had a \$440,000 problem. Once explained, the school’s Finance leader understood and wanted to pay for a portion of the school’s shortfall and suggested the town help the school district to make up the rest of the school shortfall. Reason being, they didn’t have very much in their rainy day fund. The TC was very sympathetic but wanted the School Board themselves to determine the amount they would contribute and how much help they wanted from the town.

But let me pause for a moment and review what happened.

Each year the State's financial authority (The Department of Revenue Administration DRA) determines the local tax rates. They traditionally have the town submit all the property values to the state. They process that information along with the taxpayer approved budgets and determine the tax rates (both town and school) to collect enough taxes to cover the money needed for the budgets. This past year, a new system was introduced. The state went digital and had the town submit electronic inputs to a software algorithm to achieve the same end result. However, it was determined after the fact that those towns with TIF properties were not properly accounted for in the algorithm. Hence, the wrong tax rate was determined by the state. By state statute, it is the state's responsibility to get that right. Once the error was determined, it was up to the town govt to come with an additional 160k and the school district to come up with an additional 440k. To not do so would mean the two governments would be spending money they don't have.

Since both governments knew they had a problem, the School District's Finance Leader discussed with the town if the School District paid some of the shortfall, would

the town help. The town was prepared to pay our shortfall and willing to help the SD pay a portion of theirs

Other alternatives that could be pursued:

1. The town could sue the School District to pay their own bill. That would cause legal expenses by both the school and the town to expend. Consequence: Taxpayer dollars spent for legal costs with no net gain.
2. The School District could reduce their expenditures by the 440K shortfall. Consequence: perhaps layoffs and/or a reduction in services to the children.
3. A second tax bill could be issued to collect additional school taxes. Consequence: Financial disruption to taxpayers and especially to those that use escrow accounts to pay taxes.

BTW, if you make a deposit to your bank for \$500 and the bank makes a mistake and adds an extra zero, you don't get to keep the extra \$4500 with the attitude that it was the bank's mistake. You have to give the money back. That's the right thing to do.

So Mr Chairman, what should we do in the face of the School District walking away from their \$440K

obligation? My recommendation is we do the best thing for our taxpayers and help the School Board this year. In fact, my recommendation will be two fold. First, it will be to help the School District and pay their obligations out of our UFB thereby protecting the taxpayers from any harm/hardship. Second, modify our policy so that this be the last time we do this and make it clear that the School District will be responsible to pay their own obligations going forward.

I am disappointed that the School Board has not stepped up to pay for their obligations and budget, but I am thankful that the town through sound financial management has the rainy-day funds available to protect our taxpayers from any additional unnecessary/unscheduled costs – should we vote to do so.

Let's never forget who our Customers are and who we work for. The taxpayers expect us to make good decisions for their best benefit. They pay their taxes with one check. They don't need costly drama playing out between their governing bodies.