

**TOWN COUNCIL
AGENDA
June 05, 2006**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. **Scheduled agenda times are advisory only.** Regular meetings are cablecast live and videotaped for the convenience of our viewers at home.

- 6:00 PM I. NON-PUBLIC SESSION – RSA 91-A:3 II (a)
- 7:00 PM II. CALL TO ORDER
- A. Pledge of Allegiance
- 7:01 PM III. PUBLIC HEARING
- A. Discretionary Preservation Easements for Preserving
Historic Agricultural Structures.
- B. Resolution 2006-16 – Relative to the Discontinuance of
a Portion of Planeview Drive
- C. Resolution 2006-17– Relative to the Discontinuance of
a Portion of Kendall Pond Road
- 7:45 PM IV. PUBLIC COMMENT
- 8:00 PM V. OLD BUSINESS
- A.
- 8:05 PM VI. NEW BUSINESS
- A. Resolution 2006-18 – Relative to MOU for Technology
Services
- B.
- 8:15 PM VII. APPROVAL OF MINUTES
- A. Public Meeting Minutes of 05/15/06
- 8:20 PM VIII. OTHER BUSINESS
- A. Liaison Reports
- B. Project Status Summary
- C. Board/Committee Appointments/Reappointments/Resignations

- 1) Joint Town/School Technology Committee
- 2)

8:45 PM

IX. NON-PUBLIC SESSION (RSA 91-A:3 II(c))

9:30 PM

X. ADJOURNMENT

RESOLUTION 2006-18

An order relative to

Authorization to Sign Memorandum of Understanding for
Technology Services

First Reading: 06/05/06
Second Reading: Waived
Adopted: 06/05/06

WHEREAS the Town has retained Eaglevue Technologies to provide Information Technology services since 2004; and,

WHEREAS the Town has several vital projects underway in which technology is an integral part thereof, including the construction of South Fire Substation, continued maintenance and development of the website, and continued enhancement of its technology infrastructure; and,

WHEREAS Town operations are best served by retaining a multi-disciplined technology consultant who can provide a myriad of different services as the Town continues its technological upgrades; and,

WHEREAS the Town has enjoyed a beneficial, productive and cost-effective relationship with Eaglevue over the past two years;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town Manager is hereby authorized to sign the Memorandum of Understanding for the purpose of retaining Eaglevue LLC for Fiscal Year 2007 to provide technological and voice communication services to the Town of Londonderry.

Brian Farmer, Chair
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
06/05/06

RESOLUTION 2006-16

A Resolution Relative to the
DISCONTINUANCE OF HIGHWAY
(Portion of Planeview Drive)

First Reading: 05/15/06
Second Reading/Public Hearing: 06/05/06
Adopted: xx/xx/xx

WHEREAS the Town Council, in accordance with RSA 231:43 has received a petition to discontinue a portion of Class V highway known as Planeview Drive; and

WHEREAS the matter of discontinuing a highway under RSA 231:43 is within the authority of the Town Council; and

WHEREAS the discontinuance of a portion of Planeview Drive would enable the beneficial commercial development of an adjacent property and relocate the currently-approved cul-de-sac away from a wetland, as recommended by the Conservation Commission,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the discontinuance of a portion of Planeview Drive as shown on the plan entitled "Lot Line Relocation Plan (Tax Map 14, Lots 13 & 13-4) Planeview Drive, Londonderry, NH 03053", prepared by Delaney Group, LLC., dated January 30, 2006, is hereby approved subject to the condition that Russell F. and Francine Wilmarth Revocable Trust shall indemnify and hold harmless the Town of Londonderry from any claims arising from the Town Council's decision to discontinue said portion of Planeview Drive.

Brian Farmer, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
Adopted xx/xx/xx

RESOLUTION 2006-17

A Resolution Relative to the
DISCONTINUANCE OF HIGHWAY
(Portion of Kendall Pond Road)

First Reading: 05/15/06
Second Reading/Public Hearing: 06/05/06
Adopted: xx/xx/xx

WHEREAS the Town Council, in accordance with RSA 231:43 has received a petition to discontinue a portion of Class V highway known as Kendall Pond Road between Nashua Road and Mammoth Road; and

WHEREAS the matter of discontinuing a highway under RSA 231:43 is within the authority of the Town Council; and

WHEREAS the discontinuance of a portion of Kendall Pond would enable the beneficial commercial development of an adjacent property,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the discontinuance of a portion of Kendall Pond Road Drive as shown on the plan entitled “Master Site Plan (Tax Map 6, Lots 49, 51 & 52) Walgreen Store #9178 and Bank of America, Nashua and Mammoth Roads, Londonderry, NH”, prepared by Hayner/Swanson, Inc., dated May 10, 2005, is hereby approved subject to the condition that Mark Investments, LLC shall indemnify and hold harmless the Town of Londonderry from any claims arising from the Town Council’s decision to discontinue said portion of Kendall Pond Road, with said discontinuance to be conditioned upon the Planning Board’s approval of a site plan for the above-referenced plan and issuance of a building permit for said project.

Brian Farmer, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
Adopted xx/xx/xx

TOWN COUNCIL MEETING
May 01, 2006

The Council Meeting of May 15, 2006 was called to order at 7:10 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman, Brian Farmer, Co-Chairman, Joe Paradis; Councilor Mark Oswald; Town Manager David Caron; Asst. Town Manager/Dir of Finance, Sue Hickey; and Margo Lapietro, Executive Assistant.

CALL TO ORDER

Chairman Farmer opened the meeting at 7:10 P.M. with the Pledge of Allegiance followed by a moment of silence for the men and women in the service and for those who have given their lives for this country.

Councilor Mark Oswald made a motion to open the Public Hearing. Second by Councilor Paradis. Councils' vote 3-0-0.

PUBLIC HEARING

ORDINANCE 2006-04 – Relative to an Amendment to the Zoning Ordinance Regarding Elderly Housing. Councilor Oswald read the second reading and **made a motion to adopt. Second by Councilor Paradis.** Open for discussion. Planning Director Andre Garron stated the Planning Board voted unanimously to remove the elevator requirement for elderly housing developments because there are now other means to reach the second floor for elderly people. Art Rugg, Planning Board Chairman also affirmed that the Planning Board was in support of this Ordinance. **Councils' vote 3-0-0.**

ORDINANCE 2006-05 – An Amendment to the Zoning Ordinance Relative to the Rezoning of a Certain Portion of Map 15, Lot 07. Councilor Paradis read the second reading and Public Hearing **made a motion to adopt. Second by Councilor Oswald.** Open for discussion. A. Rugg, Planning Board Chair stated the Planning Board unanimously is in support of this rezoning; the property is located between Clark Rd and Jack's Bridge Road. Chairman Farmer asked if it was located in the TIF District, A. Garron responded yes. Councilor Oswald asked A. Garron if there was any anticipated tax revenue from the property. A. Garron responded yes, amount depended on size of building. **Councils' vote 3-0-0.**

RESOLUTION 2006-14 – An Agreement to Provide Law Enforcement Services at Manchester-Boston Regional Airport, and the Acceptance and Expenditure of Unanticipated Revenues. Councilor Oswald read the first reading and public hearing and **made a motion to adopt. Second by Councilor Paradis.** Open for discussion.

Town Manager Caron explained this was a three-year agreement with the City of Manchester to provide law enforcement coverage at the Manchester-Boston Regional Airport. The contract also contains an optional two year extension and would require hiring 25 additional police officers. The Police Department by this contract is required to be at full staff by July of 07. The Airport is responsible for all costs associated with the contract and an administrative fee of 10% of the wage portions of the contract will be payable to the Town. It is estimated that the contract value of the entire agreement will be \$2.5M annually. Chairman Farmer suggested that the revenues be separated from the Chief's budget so it could be tracked separately. Town Manager Caron stated the Chief will have one promotion to Captain and five sergeants; staff will return this Fall with the FY08 budget and include a separate special revenue fund for the Airport Division. Police Chief Ryan reviewed the chain of events that led up to this contract and stressed that new officers will be hired based on the current standards in place for the department. He proceeded to review the training process in place by the Department. Councilor Oswald questioned if overtime was paid for by the City of Manchester, Chief Ryan explained they would. Councilor Oswald asked about the K-9 Unit, Chief Ryan replied three handlers would be required, looking into federal grant monies. Councilor Paradis questioned if the contract ended, what would happen to the police hired for that unit. Chief Ryan stated that talks have been initiated with AFSCME Local 3657 and they are in agreement. The positions are only for as long as the contract remains in place, last hires are the first laid-off. Mike Brown, Budget Committee Member wanted assurances that all costs for the three year contract were definite. Town Manager Caron responded it was in the contract. M. Brown asked about excess funds and what if any would be done with them, Town Manger stated it would be a policy decision of the Council, but can be used to offset town operating expenses elsewhere in the budget. **Council's vote 3-0-0.**

ORDINANCE 2006-06 – An Amendment to the Municipal Code Relating to the Traffic Safety Ordinance. – Speed Limit on Mohawk Drive - Councilor Paradis read the second reading and public hearing and **made a motion to accept. Second by Councilor Oswald.** Open for discussion. Tim Winnings from TW Survey stated the configuration of the road calls for a reduction of the speed limit to 25 MPH. Chief Ryan stated it was originally 35 MPH, recommends going down to 25 MPH. Councilor Oswald stated the Traffic Safety Committee, (TSC) supports the Ordinance especially with a kindergarten located near the area in question. John Farrell, Planning Board Member, (PB) stated he had visited the area and suggested studying the entire area including Granite, Bolder, and Meadow. He suggested amending this Ordinance and changing the entire area at once rather than doing it piecemeal. Art Rugg, PB member supported that idea and said the site distance is not appropriate to the site plan. The Council was advised that a substantive change to the Ordinance would require rehearing. Councilor Oswald cautioned against too many traffic signs in the Town. Janusz Czyzowski supported the Ordinance. Chairman Farmer suggested reviewing the 25 MPH for the other roads with the TSC and come back to the Town Council. **Councils' vote 3-0-0.**

PUBLIC COMMENT

Kevin Rutina, 3 Hillcrest Lane informed the Council that 13 homes on his street are not hooked-up to Town water. The rest of the street is hooked-up including Shady Lane and Longwood and he wants to know the reason why when the sewer lines were initially installed they weren't included. Town Manager Caron stated he researched the issue previously and could not locate the rationale for extending the water lines in their current locations. Councilor Oswald suggested using the GIS system to ID what is within the 1 mile radius. Town Manager stated that it is municipal water supply from Manchester and they can provide us with an overlay. K. Rutina stated he and his neighbors would follow-up with the process.

OLD BUSINESS

RESOLUTION 2006-15 – Relative to a Lease-Purchase Agreement to Purchase a Fire Truck – Councilor Oswald read the first reading, waived the second and **made a motion to adopt. Second by Councilor Paradis.** Open to discussion. Councilor Oswald asked why we were leasing. Town Manager Caron stated this Resolution would allow the Town to enter into a two year lease agreement with Pierce Saber as approved at Town Meeting. \$160K was raised under Article 8, and the FY08 payment may be as high as \$188K depending upon the final terms of the two-year lease-purchase agreement and augmented by \$28K in Undesignated Fund Balance to pay for the \$334,553 truck. **Councils' vote 3-0-0.**

ORDER 2006-10 – Relative to the Use of Expendable Maintenance Trust Funds for the Sanborn Road Property – Councilor Paradis read the first reading, waived the second and **made a motion to adopt. Second by Councilor Oswald.** Open for discussion. Town Manager Caron explained this land was taken by the Town for back taxes. It was a former junkyard and it is the Town's responsibility to clean it up per NHDES directive. The Recreation Dept. thought they could use it for light sports such as practice fields because it is located across the street from North School. Councilor Oswald suggested it might be a good idea to find out what we are paying per acre for Parks and Recreation land. **Councils' vote 3-0-0.**

RESOLUTION 2006-16 – Relative to the Discontinuance of a Portion of Planeview Drive – Councilor Oswald read the first reading; second reading and public hearing scheduled for June 5, 2006 **motion to accept. Second by Councilor Paradis.** Open for discussion. Councilor Paradis explained this issue came to the Planning Board. They want to relocate the existing right-of-way so that the cul-de-sac at the end of Planeview Drive could be constructed with no impact to the wetland. Councilor Oswald stated that the Conservation Commission supports this Resolution. **Councils' vote 3-0-0.**

RESOLUTION 2006-17 – Relative to the Discontinuance of a Portion of Kendall Pond Road - Councilor Oswald read the first reading, **motion for second reading and public hearing scheduled for June 5, 2006. Second by Councilor Oswald.** Open for discussion. Councilor Oswald strongly suggested that the general public attend this meeting. **Councils' vote 3-0-0.**

ORDER 2006-11 – An Order Relative to the Expenditure of Rte. 28 West Impact Fees and Other Funds for Traffic and Other Studies Related to Economic Development and Tax Increment Finance Districts – Councilor Paradis read the first reading, waived the second hearing and public hearing, **motion to accept. Second by Councilor Oswald.** A. Garron stated this Order will allow for traffic and other studies to be done for the TIF District. Mr. Evans has agreed to pay for half of the studies; total project cost is \$112K. Councilor Paradis expressed his thanks for the Evans' family's generosity. Town Manager Caron explained they have allocated funds from this year's Planning Department budget for the \$11,000 in non-impact fee funds necessary for the Town's portion of the studies. **Councils vote 3-0-0.**

NEW BUSINESS

None

APPROVAL OF MINUTES

Councilor Paradis made a motion to accept the meeting minutes for 05/01/06. Second by Councilor Oswald. Councils' vote 3-0-0.

OTHER BUSINESS

Liaison Appointments/Reports:

Councilor Oswald met with the Manchester Airport Authority discussion revolved around the agreement to provide Law Enforcement Services to the City of Manchester. The passenger air traffic has slowed down. Met with Conservation Commission last week, reviewed the site proposal of the land in front of Shaws being used possibly for a bank; a fast food restaurant; or a coffee shop. Leadership Londonderry will hold its last class and graduation ceremony this Tuesday.

Councilor Paradis attended Elder Affairs; they are involved in updating its Charge. Planning Board discussed elderly housing and the property in front of Apple Tree Mall. John Vogl, GIS Manager demonstrated the use of the Map Tools Function on the GIS website.

Project Status Summary:

Town Manager Caron stated that the construction of South Fire Station would begin on 5/22/06. He also wanted to thank his staff for their efforts during the recent flooding conditions in Town. In particular: Fire Chief/EMD Mike Carrier, Capt. Dave Spahn, the LPD & LFD, Public Works Dir. Januz Czyzowski, and John Trottier, and Bldg. Inspector/Health Officer, Jim Smith.

Board/Committee Appointments/Reappointments/Resignations:

Chairman Farmer stated the Elder Affairs Committee has only one opening and we have two individuals interested in volunteering. It was decided to elect Al Baldasaro to the position. **Councilor Paradis made a motion to appoint Al Baldasaro to an Ad Hoc position on the Elder Affairs Committee. Second by Councilor Oswald. Councils vote 3-0-0.**

Councilor Paradis made a motion to appoint Sue Joudrey as an Alternate Member to the Historic District/Heritage Commission with a term expiration of 12/31/07. Second by Councilor Oswald. Councils' vote 3-0-0.

Councilor Paradis made a motion to appoint Kay Webber as an At-Large member of the Historic Properties Task Force. Second by Councilor Oswald. Councils' vote 3-0-0.

Councilor Oswald made a motion to appoint Sue Joudrey as an Ad Hoc member to the Barn Preservation Committee. Second by Councilor Paradis. Councils' vote 3-0-0.

Councilor Oswald asked Town Manager Caron if there was going to be a groundbreaking ceremony for the new South Fire Station. He responded there are plans for a groundbreaking to be scheduled around the Council's and Building Committee schedule.

Chairman Farmer informed the public that the annual Memorial Day Parade will be held on Monday, May 29, 2006.

Councilor Oswald made a motion to adjourn at 9:55 PM. Second by Councilor Paradis. Councils' vote 3-0-0

Notes and Tapes by: Margo Lapietro Date: 5/15/06

Minutes Typed by: Margo Lapietro Date: 05/18/06

Approved: Town Council Date: