

**TOWN COUNCIL  
AGENDA  
October 16, 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.

- 7:00 PM            I.     CALL TO ORDER
- Pledge of Allegiance led by Eagle Scout Eric Cina and presentation of plaque by Joe Paradis to Scout Cina.
- 7:01 PM            II.    PUBLIC HEARING
- A.     Ordinance 2006-08 – Sanctioning of Recreation Groups
- B.     Ordinance 2006-10 – Relative to an Amendment to the Municipal Code Relating to Sewer Rental Charges
- 8:00 PM            III.   PUBLIC COMMENT
- A.     Yearly                    Updates                    from  
          Boards/Committees/Commissions
- a) Trustees of Trust Fund – Beth Bartlett
- b) Planning, Heritage – Art Rugg
- c) LIEC – Julie Liese
- d) Elder Affairs – Stacy Thrall
- e) SAC – Janusz Czyzowski
- B.     Update on CMAQ Pathway Project – Andre Garron
- 9:00 PM            IV.    OLD BUSINESS
- A.     Abatement Request – Wagon Wheel Tenants Association
- 9:10 PM            V.     NEW BUSINESS
- A.     Ordinances Regarding Use/Activities on Town Property.
- 9:25 PM            VI.    APPROVAL OF MINUTES
- A.     Public Meeting Minutes of 10/02/06

9:30 PM

VII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager's Report
- C. Board/Committee  
Appointments/Reappointments/Resignations  
Resignation of Christine Bostaph as Trustee of the  
Trust Fund elected position to end 3/08.

9:45 PM

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council, October 23, 2006 @ 7:00 PM, Moose Hill Council Chambers – FY08 Budget Presentation
- B. Town Council, October 26, 2006 @ 7:00 PM, Moose Hill Council Chambers – FY08 Budget Workshop
- C. Town Council, October 30, 2006 @ 7:00 PM, Moose Hill Council Chambers – FY08 Budget Workshop
- D. Town Council, November 4, 2006 @ 9:00 AM, Moose Hill Council Chambers – FY08 Budget Workshop
- E. Town Council, November 6, 2006 @ 7:00 PM, Moose Hill Council Chambers – Meeting & Budget Workshop
- F. Town Council, November 9, 2006 @ 7:00 PM, Moose Hill Council Chambers – FY08 Budget Workshop
- G. Town Council, November 20, 2006 @ 7:00 PM, Moose Hill Council Chambers – Meeting and Budget Discussion

Introduced: 7/17/06  
Second Read/Public Hrg.: 8/21/06  
Adopted: 8/21/06

**ORDINANCE 2006-08**  
***AN AMENDMENT TO THE MUNICIPAL CODE, TITLE VI,***  
***CHAPTER XIX, RELATING TO APPROVAL OF***  
***SANCTIONED RECREATION GROUPS***

---

***WHEREAS*** the Town of Londonderry owns and manages many recreation facilities; and,

***WHEREAS*** the Londonderry Recreation Commission does not directly manage many recreation programs and consequently receives numerous requests from youth and adult groups to utilize Town recreation facilities; and,

***WHEREAS*** a policy is necessary to ensure that facilities are utilized in a safe and efficient manner;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title VI – Town Policy, Chapter XIX, Approval of Sanctioned Recreation Groups, is hereby adopted as attached, effective six months from the adoption date.

Brian Farmer - Chairman  
Town Council

---

Meg Seymour

(TOWN  
SEAL)

Town Clerk

***A TRUE COPY ATTEST:***  
***08/21/06***

**Chapter XIX - APPROVAL OF SANCTIONED RECREATION GROUPS**

**SECTION I PURPOSE**

A. The Town of Londonderry owns and manages many recreational facilities, however, the Town does not operate many recreation programs. Youth and Adult programs are organized and managed by various non-profit groups. To ensure that town facilities are utilized in a safe manner for the benefit of town residents, the Town Council has adopted the following guidelines when recognizing Sanctioned groups.

**SECTION II AUTHORITY**

A. This policy is authorized under Article 3, Section 3.12 of the Town of Londonderry Charter.

**SECTION III APPLICATION**

- A. All groups looking to be sanctioned must apply with the Recreation Commission. All applications and recommendations of the Committee will be forwarded to the Town Council for consideration.
- B. Recognition by the Recreation Commission does not guarantee exclusivity to times or locations of any facility.
- C. Upon approval of an Sanctioned Group by the Town Council, that Group is eligible to utilize town recreation facilities pursuant to the use and scheduling policies and practices as promulgated by the Recreation Commission.

**SECTION IV ELIGIBILITY CRITERIA**

- A. In order to be considered eligible for approval as an Sanctioned Recreation Group, the following guidelines shall be met:
  - 1. A minimum 60% of the participants are residents of Londonderry and the program is available to all age-appropriate Londonderry residents.
  - 2. A majority of the coaches/supervisors are residents of Londonderry.
  - 3. The governing body consists of Londonderry residents
  - 4. In recognition of the limited availability of facilities and the desire to avoid

scheduling conflicts, all groups must demonstrate that the program offering is new or unique to the Town, and if not, justification for starting a similar program.

5. All groups must demonstrate that the program is not temporary, but is designed to continue to provide recreational opportunities for an indefinite period.
6. All groups must demonstrate that the program has been well planned and will be properly supervised, as set forth in the group's Articles of Agreement (if a fund-raising group), By-Laws and Code of Conduct.
7. All groups must demonstrate that they have the proper framework for leadership, and that the coaches/supervisors will provide this leadership.
8. All groups must demonstrate that the group is non-profit and does not have any outstanding obligations to the Town and has the ability to financially support the group's activities.
9. All Sanctioned groups must comply with all the rules set forth by the Recreation Commission regarding the usage of facilities.
10. That facilities exist to accommodate the new activity.

B. Fund-Raising Groups – In addition to meeting the Eligibility Requirements as set forth in Section IV. A, Recreational Groups which seek donations and/or financial assistance to support their activities shall be required to meet the following requirements:

1. Any fund-raising recreational group has been registered as a Volunteer Corporation with the New Hampshire Secretary of State, in accordance with RSA 292, and remains in good standing.
2. Once sanctioned by the Town Council, all Fund-Raising Groups must maintain the following documents with the Commission (documents must be current to demonstrate a group's good standing with the appropriate agencies):
  - b. Articles of Agreement
  - c. By-Laws
  - d. Code of Conduct
  - e. IRS Filings (if applicable)
  - f. State of New Hampshire Filings with Secretary of State and/or Attorney General's Office, Charitable Trust Division

- g. Current board of directors with contact information (title, name, address, phone number and e-mail)
- h. Proof of Insurance
- i. Membership/enrollment total broken down by town

C. Other Independent Groups - Once sanctioned by the Town Council, all non-fund raising, independent groups must maintain the following documents with the Commission (documents must be current to demonstrate a group's good standing with the appropriate agencies):

- j. By-Laws
- k. Code of Conduct
- l. IRS Filings (if applicable)
- m. State of New Hampshire Filings with Secretary of State and/or Attorney General's Office, Charitable Trust Division (if applicable)
- n. Current board of directors with contact information (title, name, address, phone number and e-mail)
- o. Proof of Insurance
- p. Membership/enrollment total broken down by town

a. Exemptions to the Sanctioning Process – It is hereby recognized that the Recreation Commission may organize, sponsor and/or coordinate a number of recreational activities, with said activities not falling within the definition of Section IV. B or C. These activities shall be exempt from the Sanctioning process. Examples, for illustrative purposes only, may include:

- q. Youth Camps
- r. Skills Training
- s. Coaches' Training
- t. Open pick up type adult activities (e.g.. free play basketball, coed volleyball, line dancing, ballroom dancing)

E. Effective Date 02/21/07.

*~~End of Chapter~~*

**Introduced: 8/21/06**  
**Second Read: 9/18/06**  
**Public Hrg.: 10/2/06**  
**Public Hrg. Continued: 10/16/06**  
**Adopted: X/XX/XX**

**ORDINANCE 2006-10**  
***AN AMENDMENT TO THE MUNICIPAL CODE***  
***RELATING TO THE SEWER RENTAL CHARGES***

---

***WHEREAS*** the Town of Londonderry provides municipal sewer services to a number of residential, commercial and industrial properties throughout the community; and,

***WHEREAS*** the Sewer Division is self-funded through a system of sewer use and access charges; and,

***WHEREAS*** these charges need to be updated periodically to insure that the costs of operating the system, including wastewater treatment charges from the Town of Derry and City of Manchester, are totally funded through sewer fees;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title IV – Health, Safety & Welfare, Chapter IX – Sewer Ordinance, Section XIII – Sewer Rental Charges, is hereby amended as attached.

Brian Farmer - Chairman  
Town Council

---

Meg Seymour

Town Clerk

***A TRUE COPY ATTEST:***  
*xx/xx/xx*

(TOWN  
SEAL)

**TOWN COUNCIL MEETING**  
**October 03, 2006**

The Council Meeting of October 3, 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; Vice Chairman Joe Paradis; Councilors Mark Oswald, Tom Dolan, Marty Bove; Town Manager David Caron; Assist. Town Manager/Finance Director 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. This was 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.

**PUBLIC HEARING**

**Councilor Dolan made a motion to open the public hearing. Second by Councilor Oswald. Council's vote 5-0-0.** At this point in the meeting the projector for the slide presentation was not working correctly, therefore it was decided to recess the public hearing and re-open later in the meeting. **Councilor Dolan made a motion to recess the public hearing. Second by Councilor Oswald. Councils' vote 5-0-0.**

**PUBLIC COMMENT**

**Yearly Updates from Boards/Committees/Commissions**

ZBA- Mark Officer, Chairman of the Board explained the Board has heard 52 cases this year. Now have two meetings a month to hear overloads. Biggest challenge is overhaul of ZBA Ordinances, Tim Thompson from Planning Dept. working on it right now. Mark would like to plan a zoning workshop in the future.

Conservation Commission – Deb Lievens, Chairperson explained they are charged by RSA's with protecting the natural resources of the community. Review every dredge and fill; last year had about 11, impacts have gone down. Review conceptual plans for Planning Dept. with 5 conditional use permits which are again down this year. Working with Town Forester for management plan, planning a management timber cut in Musquash within the next year. Stewardship, educating land owners @ easements, monitoring land, land acquisition and land mitigation, all part of what they do. Have Musquash Field Day every year, partners with Londonderry Trailways, worked with Boy Scouts in past, working with invasive plants and need financial report for that project. Need two alternates and 1 full voting member. Chairman Farmer questioned the make-up of Cons. Comm; Town Manager Caron stated state law allows you to appoint three alternates to the Board, no change needed in the Charter. Councilor Dolan asked about using the monies from the timber cut and using for additional money being requested.



**Environmental Baseline Study Committee** – Bob Malloy the committee was established in the Spring of 2001. He explained they were basically formed to report on air and water quality in Town. Quality of environment was good. The Committee is now in a maintenance mode for air quality, working with John Vogl, GIS manager to archive results of studies. Discussion ensued about keeping the committee viable with a long term plan with future monitoring based on development in the community. Councilor Dolan recommended changing the “Charge” to include other projects and to research the global warming affect. Chairman Farmer suggested sending a copy of the “Charge” to Bob Malloy to modify it. He also recommended involving the School District in saving our environment. Chairman Farmer recommended working with impact fee to fund environmental studies, work with the Planning Dept. Councilor Bove recommended using someone at UNH to work on this project; Councilor Dolan volunteered to contact UNH to follow-through with speakers.

**Historic Properties Preservation Task Force** – Russ Lagueux, Chairperson, gave a brief history of the group which was formed this May. Purpose was to identify historic structures in town worthy of preservation and to draft guidelines on their preservation. Eagle Scout Troup 426 did a photo documentary of the properties. NH State regulations will be used in the recommendations that they make to the Town. Formed sub-committees for public outreach and draft an Ordinance to Town Council. Have identified 222 properties, John Dahlfred spent hours reviewing assessing records to verify if they are truly historical properties. He also acknowledged the work of Steve Young.; they are in the analysis portion right now. Final drafts scheduled for end of the year.

Councilor Oswald made a motion to re-open the public hearing. Second by Councilor Dolan. Councils’ vote 5-0-0.

**Ordinance 2006-10 Relative to an Amendment to the Municipal Code Relating to Sewer Rental Charges** – Councilor Oswald made a motion to suspend the reading because this was first introduced in public session on 8/21/06. Second by Councilor Bove. Council’s vote to suspend reading 5-0-0. Town Manager Caron explained the sewer user charges were not adjusted since 1996 because revenues to date have covered our expenses, and a significant wastewater producer came on line 4 years ago. The Town did not have a good estimate of how much wastewater would be generated by this customer, which would significantly impact rates. Current rates do not meet our expenses, expending more funds here and in Manchester for maintaining the system. City of Manchester notified us that improvements to Manchester Wastewater Treatment Plant will coast about \$1.4M over the next five years, line item for \$284K/yr to cover those expenses. Need policy direction on assigning related charges to the Sewer Funds. Currently have about 1,380 sewer customers, 952/residential; 351/commercial and 77/industrial customers. Residential customers assessed a flat rate; commercial assessed a mix of metered and non-metered accounts; industrial customers are all metered. He

reviewed the sewer bonds; compared the FY06 and FY07 user charges. He said policy direction required for:

- 1) Should the Town enact one, uniform rate throughout the community?
- 2) Should the Town charge the Sewer Fund for direct administrative costs?
- 3) Should the Town require the Sewer Fund to pay sewer-related debt service?

One rate versus separate rates, comparison of amounts between different towns was discussed. The proposed rate, including operating, capital, admin. expenses and debt is \$2.52/100 cf which would be \$384.00 annually for residential. Londonderry's current annual charge for residential is \$320.00.

Staff recommends:

- 1) Adopt one rate system for all customers throughout the community
- 2) Increase quarterly base charge to \$96.00 for residential/commercial and \$187.20 for industrial
- 3) Adjust the quantity charge to \$2.52/100 cf for wastewater flows in excess of 3,800 cf for metered commercial customers and 9,400 cf for metered industrial customers.
- 4) Adjust BOD surcharge to \$17.50/100 lbs and TSS surcharge to \$17.57/100 lbs to mirror what Manchester charges the Town to process this waste.

John Palermo, VP of Operations from Coca Cola Bottling of Northern NE and Tim McKenny, Engineering Dir. at Stoneyfield Farm both spoke against the increase in rates. T. McKenny wants Stoneyfield to be rewarded for bringing BOD & TSS way under the average allowed. Discussion ensued; Councilor Oswald questioned "grandfathering" current industrial accounts with TSS & BOD and doing a gradual increase in rates. Town Manager Caron stated it could be done. Councilor Paradis questioned the problem we are encountering with capacity allowed from Manchester. Town Manager Caron encouraged the Council to adjust the rates to at least cover Sewer Division operating expenses. Mike Brown, Carousel Court and Budget Cmte. member agreed that we should do something now, have to cover our own expenses. First three bulleted items need to be addressed right away. Councilor Oswald questioned when effective date of raised sewer amounts, Town Manager Caron stated they would be in December. He recommended waiting until the next billing cycle going forward. **Councilor Oswald made a motion to adopt the Ordinance as presented with points 1,2 and 3 and DPW come back as soon as possible with a calculation that will allow us to pass on a graduated increase as discussed for commercial/industrial users no later than the calendar year. Second by Councilor Dolan with discussion.** Town Manager Caron stated he sent letters to any sewer customer whose bill currently exceeds \$1K/quarter. Councilor Dolan made a proposal to amend the Ordinance, take the base charge for residential and commercial from \$80.00 to \$96.00 and industrial to \$187.20. **Councilor Dolan made a motion to amend the Ordinance to make the base charges \$88.00/residential and commercial to \$110.00, industrial to \$220.00 quarterly flat rate base charges.** This wouldn't change any revenue we get but lessens burden to residential customers. Councilor Paradis stated this would affect. Town Manager Caron stated this would adjust bullet #2 only. No second for the amendment, original motion stands that adopt Items 1, 2 and 3. Town Manager Caron reviewed the increases to commercial/industrial users. Councilor Bove wants to get more information and would like to hear the opinion of residential

users. **Councilor Bove used his Councilor's Objection pursuant to Section 3.6 E of the Town Charter to delay action on this Ordinance until the 10/16/06 Town Council Meeting.** Town Manager Caron requested any questions be addressed to him as soon as possible so he can have additional information available for the next meeting.

#### OLD BUSINESS

**Ordinance 2006-08 – Sanctioning of Recreation Groups – Request for Textual Changes** – Town Manager Caron stated the School District requested that any references to the District be removed from this Ordinance. The Recreation Director, Art Psaledas and Bill Manning Chairman of the Recreation Commission were in attendance to present the Commission's recommendations. The Commission is drawing a difference between groups that fund-raise and those that don't. B. Manning read the proposed changes and after much discussion it was decided that the changes they proposed required a new public hearing. Councilor Dolan recommended that the Chairperson wait for further discussion until the public hearing. **Councilor Dolan made a motion to schedule a first reading of the new re-write of the Ordinance on 10/16/06, schedule public meeting on 11/6/06. Second by Councilor Oswald with discussion.** Councilor Oswald suggested scheduling the public meeting on 10/16/06. **Councilor Oswald made an amendment to the motion to schedule the first reading and public meeting on 10/16/06. Councilor Dolan modified his motion to 10/16/06.** Chairman Farmer suggested hosting a forum on non-profits complying with state regulations. Discussion ensued about scheduling and usage of the fields. **Council's vote 5-0-0.**

**Resolution 2006-25 – Relative to an Agreement with New Hampshire Flying Tigers for Use of the Auburn Road Property** – Rick Bono was in attendance. Town Manager Caron stated that US EPA still reviewing agreement, which could result in language changes to the agreement. Changes to the terms and conditions as they impact the Town would be minimal, if any. Three year agreement with 90 day notice, renewal to be determined by Council at a later time. **Councilor Dolan made a motion to adopt, waive the second reading and adopt tonight to authorize the Town Manager to execute the lease agreement. Second by Councilor Oswald with discussion.** . **Councils' vote 5-0-0.**

#### NEW BUSINESS

**Abatement Request – Wagon Wheel Tenants Association** – Deloris Pino represented the park. She stated there are three homes in the park that are deserted, people are breaking in and causing destruction. Lost more than \$12K in rent, will cost them \$12K to clean up and move the homes. Councilor Bove question Town Manager Caron about the feasibility of condemning the property. Town Manager Caron stated it is an option, but we have to look at the situation to determine who the responsible parties are, and explore

a reasonable opportunity to collect funds. The units are individually owned, taxes are assessed on the property, and not to the owners. By state law, need a permit to remove the buildings, unless taxes are abated. Councilor Dolan asked if we abated the taxes, could they be sent to a collection agency as a civil matter to go after the people responsible. Town Manager Caron responded once abated, it is written off, debt wiped out nothing legally to collect. Councilor Dolan said he was uncomfortable with letting these people walk away from their debt, should exhaust all avenues to obtain back taxes. Town Manager Caron stated he would consult with counsel. Ms. Pino stated that the Town owns these units. The Town Manager explained when people don't pay their taxes, the Town puts a lien on the property, does not equate to ownership. They have a two year redemption period, then the Town may at its choice take a tax deed to the property, the Town does not own these property. Councilor Dolan suggested allowing Town Manager Caron the opportunity to research this issue with Town Counsel. **Councilor Dolan made a motion to consider this request at Town Council Meeting scheduled for 10/16/06. Second by Councilor Oswald. Councils' vote 5-0-0.**

**Order 2006-15 – Relative to Use of Cable Division Funds** - requesting the sum of \$2,700 to purchase sound equipment for use at the Town Commons. Open for discussion. **Councilor Dolan made a motion to accept the Order and waive the second reading. Second by Councilor Oswald with discussion.** He asked Dottie Grover, Dir. of the Lond. Access Center where will the equipment be stored – at the Access Center. Will training be offered, she stated they would train the appropriate people to use the equipment along with the Londonderry Arts Council. **Council's vote 5-0-0.**

### **APPROVAL OF MINUTES**

**Councilor Dolan made a motion to accept the Public Meeting Minutes of September 18, 2006. Second by Councilor Paradis. Councils' vote 5-0-0.**

### **OTHER BUSINESS**

#### **Liaison Reports:**

Councilor Bove attended the So. NH Hazemat Mutual Aid District meeting, had good turn out. All equipment use was demonstrated as well as National Guardsman equipment. The group is reviewing the rates charged to each town, right now flat fee of \$5K imposed on each town, some of the smaller towns will be adjusted as well as Charter changes.

Councilor Dolan stated Budget Committee reviewed presentation of new assessments and State requirements. Historic Properties covered tonight.

Councilor Oswald attended Conservation Commission. Working on timber harvest, discussed illegal ATV use in protected areas, invested \$2K in bollards and a gate. Traffic Safety met earlier this evening, granted approval for a guardrail on Pillsbury Rd. near

Gilcreast; scene to two fatalities in the past five years. Talked about town-wide speed limits. Discussion ensued about High Range Rd.

### **Town Manager's Report**

Town Manager Caron stated that we are going ahead with the cell towers, bids are out. Leadership Londonderry class of 2007 met last Thursday with 21 members. Have a RFP for re-roofing the Senior Center, hope to have that project completed the end of the month. They will get also seek quotes to put a roof extension over the entryway. The vehicle lease on the Town Hall fleet has expired, Carolyn working with Enterprise on options. Chairman Farmer suggested use of hybrid cars. Traffic issues in area of Mammoth and Buttrick relative to Elliott Hospital project with turning lanes on both Mammoth and Buttrick. Discussion ensued about state repair work on Mammoth Rd.

### **Board/Committee Appointments/Reappointments/Resignation:**

**Councilor Oswald made a motion to appoint below to Ad Hoc positions on the CERT Team:**

1. Fire Representative – Capt. Jim Roger
2. Police Representative – Sgt. Bob Michaud
3. School Rep. – Chuck Zappala
4. Town Mgr. Rep. – John Vogl
5. ALERT Reps – George Herrmann, Paul DiMarco, Dave Palmisano

**Second by Councilor Bove. Councils vote 5-0-0.**

Budget Committee Appointment:

**Councilor Oswald made a motion to appoint Michael Toth to the vacant full time position on the Budget Committee, term to expire 3/13/07.** Margo was instructed to send thank you letter to the other two applicants Susan Fletcher and Bill Devin thanking them for their interest and encouraging them to volunteer on other boards.

Chairman Farmer passed the gavel to Vice Chairman Paradis and **made a motion to appoint Councilor Oswald to an Alternate position on the Conservation Commission. Second by Councilor Dolan with discussion. Term to end 12/31/07. Councils' vote 4-0-1, Councilor Oswald abstained.** Gavel returned to Chairman Farmer.

### **NEXT MEETING**

October 16, 2006 at 7:00 PM, Town Hall, Moose Hill Conference Room  
October 23, 2006 @ 7:00 PM. Moose Hill Conference Room  
November 6, 2006 at 7:00 PM, Town Hall, Moose Hill Conference Room

### **ADJOURNMENT**

**Councilor Dolan made a motion to adjourn at 10:32 P.M.. Second by Councilor Paradis. Councils' vote 5-0-0.**

**Notes and Tapes by:           Margo Lapietro                           Date: 10/02/06**

**Minutes Typed by:           Margo Lapietro                           Date: 10/04/06**

**Approved:                       Town Council                           Date:**