

**TOWN COUNCIL
AGENDA
May 21, 2007**

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
- 7:00 PM II CALL TO ORDER
- 7:01 PM III. PUBLIC HEARING
- A. Resolution 2007-22 – Relative to the Assessment of Fees Associated with the E-Reg Program
- B. Ordinance 2007-02 – Relative to Amendments to the Sewer Ordinance
- 7:45 PM IV. PUBLIC COMMENT
- A. Dottie Grover – Comcast Annual Update
- 8:00 PM V. OLD BUSINESS
- A. Town Council FY08 Goals & Objectives
- B. Fire/Rescue Operations
- 8:30 PM VI. NEW BUSINESS
- A. Ordinance 2007-03 – Relative to an Amendment to the Zoning Ordinance; Impact Fees.
- B. Resolution 2007-27 – Relative to the Sanctioning of the Londonderry Women’s Softball League
- 8:45 PM VII. APPROVAL OF MINUTES
- A. Minutes of the Council’s May 7, 2007 Public Meeting
- 8:50 PM VIII. OTHER BUSINESS
- A. Liaison Reports
- B. Town Manager’s Report
- C. Board/Committee

Appointments/Reappointments/Resignations

9:15 PM

IX. ADJOURNMENT

MEETING SCHEDULE:

- A. Joint Meeting with School Board/Budget Committee, June 12 @ 7:00 PM; LHS Band Room
- B. Town Council, June 14 @ 7:00 PM, Moose Hill Council Chambers
- C. Town Council, July 12 @ 7:00 PM, Moose Hill Council Chambers
- D. Town Council, August 9 @ 7:00 PM, Moose Hill Council Chambers

RESOLUTION 2007 - 22

A Resolution Relative to the Assessment of Fees Associated with the E-Reg Program

First Reading: 05/07/07
Hearing/Second Reading: 05/21/07
Adopted: xx/xx/xx

WHEREAS The Town is preparing to offer a new service which allow for the registration of motor vehicles on-line; and

WHEREAS This service is optional and is offered for the convenience of residents and other entities which register motor vehicles in Londonderry; and

WHEREAS Certain costs outside of the Town's control are incurred providing this service; and

WHEREAS RSA 41:9-a requires the Town Council to conduct a public hearing on the Establishment of Fees;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the attached fee structure be adopted in order to provide E-Reg services to its citizens and insuring that the town does not incur additional expense providing this service.

Joseph Paradis - Chairman
Town Council

(TOWN SEAL)

Marguerite A. Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
xx/xx/xx

Introduced: 05/07/07
Second Read/Public Hearing: 05/21/07
Adopted: xx/xx/xx

ORDINANCE 2007-02
***AN AMENDMENT TO THE MUNICIPAL CODE
RELATING TO THE SEWER USE ORDINANCE AND
SEWER USER CHARGE ORDINANCE***

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 Use Ordinance and Sewer User Charge Ordinance should be updated periodically to promote the efficient operation of the system and reflect the costs of operating the system; and,

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

WHEREAS the Town Council pursuant to Ordinance 2006-10 adjusted all associated fees and charges except the charges for high strength waste (TSS & BOD);

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, including revised rates for TSS & BOD, are hereby amended as attached.

Joseph Paradis - Chairman
Town Council

Meg Seymour

(TOWN
SEAL)

Town Clerk

A TRUE COPY ATTEST:
xx/xx/xx

ORDINANCE #2007-03

An Ordinance Relative to the
***Amend Municipal Code - Title III- Land Use Codes,
Chapter I - Zoning Ordinance, Section 1.2 - Impact Fees***

First Reading: 05/21/07
Second Reading: 06/14/07
Public Hearing: 06/14/07
Adopted: xx/xx/xx

WHEREAS the Londonderry Planning Board voted at its May 9, 2007 meeting to accept the recommendations made by Bruce Mayberry in his latest Methodology Report; and,

WHEREAS the Londonderry Town Council is desirous of maintaining its policies and municipal code through periodic update as administrative conditions require;

WHEREAS the Londonderry Town Council wishes to amend the Zoning Ordinance to reflect said adoptions, and renumber subsequent sections to the code as appropriate,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Municipal Code, Title III - Land Use Codes, Chapter I - Zoning Ordinance, Section 1.2 - Impact Fees, is hereby amended as attached.

Joseph Paradis - Chairman
Town Council

Marguerite Seymour - Town Clerk/Tax Collector

(TOWN SEAL)

A TRUE COPY ATTEST:
xx/xx/xx

School Impact Fees, Existing:

Single Detached, 2 BR - \$4031 per dwelling unit
Single Detached, 3 BR - \$6134 per dwelling unit
Single Detached, 4+ BR - \$7984 per dwelling unit
Single Attached (Town House), 2 BR - \$2650 per dwelling unit
Single Attached (Town House), 3+ BR - \$2668 per dwelling unit
Duplex/Condex, 2 BR - \$3848 per dwelling unit
Duplex/Condex, 3+ BR - \$4858 per dwelling unit
Multi-Family 3+ Units - \$2359 per dwelling unit
Manufactured Housing - \$2994 per dwelling unit

School Impact Fees, Proposed:

Single Detached, 2 BR - \$5085 per dwelling unit
Single Detached, 3 BR - \$7699 per dwelling unit
Single Detached, 4+ BR - \$9922 per dwelling unit
Single Attached (Town House), 2 BR - \$3287 per dwelling unit
Single Attached (Town House), 3+ BR - \$3322 per dwelling unit
Duplex/Condex, 2 BR - \$4781 per dwelling unit
Duplex/Condex, 3+ BR - \$6030 per dwelling unit
Multi-Family 3+ Units - \$2864 per dwelling unit
Manufactured Housing - \$3549 per dwelling unit

Fire Impact Fee, Existing (Only assessed for projects in West Fire District):

\$225 per residential dwelling unit
\$0.129 per square foot of commercial/industrial construction

Fire Impact Fee, Proposed (Town Wide):

Residential:
\$353 per Single Family dwelling unit
\$282 per Townhouse, duplex, or Multifamily dwelling
unit
\$353 per manufactured housing unit

Commercial/Industrial:
\$0.39 per square foot of commercial construction
\$0.19 per square foot of industrial construction
\$0.34 per square foot of institutional construction

RESOLUTION 2007-27

Relative to the

SANCTIONING OF THE LONDONDERRY WOMEN'S SOFTBALL LEAGUE

First Reading: 5/21/07

Second Reading: x/xx/xx

Adopted: 5/21/07

WHEREAS

there is a need to sanction athletic organizations in order to better manage town recreation facilities; and

WHEREAS

the Town Council adopted Title VI, Chapter XIX, Approval of Sanctioned Recreation Groups, which established a process by which groups may be sanctioned; and

WHEREAS

the Recreation Commission has been reviewing applications in accordance with the aforementioned Town Ordinance;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Londonderry Women's Softball League, having met the requirements of Chapter XIX and receiving the positive recommendation of the Recreation Commission, is hereby sanctioned until April 1, 2012.

Joseph Paradis, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
05/21/07

TOWN COUNCIL MEETING
May 05, 2007

The Council Meeting of May 7, 2007 was called to order at 7:08 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman Joe Paradis; Vice Chairman, Marty Bove; Councilors Mark Oswald; Kathy Wagner; Town Manager David Caron; Assist. Town Manager/Finance Director Sue Hickey, and Margo Lapietro, Executive Assistant. **Absent:** Councilor Brain Farmer.

CALL TO ORDER

Chairman Paradis opened the meeting at 7:08 PM with the Pledge of Allegiance led by the Londonderry Special Olympic Basketball Team. This was followed by a moment of silence for the men and women serving in our Armed Forces.

PUBLIC COMMENT

Chairman Paradis introduced Mary Theos who is involved in the Special Olympics Basketball Team. She explained the levels of competition that the athletes are involved in. She thanked the athletes, coaches and parents for their dedication and hard work. The Londonderry teams took Gold, Silver and Bronze Medals, and played several games. The athletes meet in Portsmouth and competed with teams from all over NH. Chairman Paradis thanked teams, coaches and parents. He distributed individual certificates to the Athletes and presented them with a mounted plaque that will be displayed in Town Hall.

Dottie Grover, Director of the Londonderry Access Center introduced her new employee, Erin Barry. Erin replaced Amber Ward and is a graduate of Tufts University.

Chief Ryan introduced new Police Officers. He presented recognition awards to various officers for their outstanding efforts in field training, apprehension of a dangerous individual, firearms training, drug arrests, hiring of new employees, and meritorious service in the line of duty. Janice Butler was named the "Civilian Employee of the Year" for the second time. Det. Don LaDuke was named the "Officer of the Year" for his work in the Juvenile Division. Councilor Bove commended Chief Ryan and his Staff stating that the mark of a good police force is their leadership. Town Council unanimously applauded the officers and Chief for their outstanding work.

A Proclamation for "Building Safety Week" was read and presented to Richard Canuel, Assist. Building Inspector. Richard explained that it is an on-going process; town of Londonderry is pro-active in making buildings safety. Richard was presented with a plaque for being named the "Inspector of the Year".

Claudette and Gerard Adams, Hall Rd complained about Mr. Dudek running his business on a Sat. morning at 6:45 AM.; Discussion ensued about the hours of operation. Mrs. Adams contacted the DMV who informed her that a dealer must be open a minimum of 37 ½ hours per week. Town Manager Dave Caron confirmed the hours of operation were 8-5 Mon-Friday. Mr. Dudek volunteered 9-5 on Saturday rather than 8:00 AM. Town Manager Caron stated that F. Holdsworth was on vacation and he will follow up after he returns. Chairman Paradis stated that Mr. Dudek will be cited if he does not conform to the agreement. Councilor Bove stated we are limited to what we can do and he would expect him to be cited, because he agreed to the hours. Mr. Adams stated that they come and complain every year, and that Mr. Dudek is open up to 54 hours a week. Councilor Paradis explained that there are restrictions, and logistics involved. Town Manager Caron explained if the matter is brought back to court it will be up to the judge as to how to enforce.

Richard Bielinski, Hall Rd., stated he talked with F. Holdsworth on Friday afternoon. Salvage business according to state law has to be done behind gates. Town got a clarification from judge, only customer or employee vehicles allowed outside gate. Wreckers if not being used should be behind gates. Councilor Bove asked if Mr. Dudek has a dealer license. Town Manager Caron explained that is the application council signs every year.

OLD BUSINESS

Town Council Goals & Objectives – Town Manager Caron asked for concurrence of priorities. Councilor Oswald requested Town Manager Caron and Finance Director Sue Hickey work on a draft Chairman Paradis suggested getting together next week to discuss.

Councilor Bove attended the Housing Taskforce meeting and according to Resolution 2006-27 the appointment of Chair, Vice Chair and Secretary had to be approved by the Council. John Michels was elected Chair and Sean O’Keefe was elected Vice Chair. Councilor Bove made a motion to nominate John Michels as Chairman and Sean O’Keefe as Vice Chair. Second Councilor Oswald. Councilor Bove said the vote was unanimous by the Task Force. Council’s vote 4-0-0. Kathy Dirsa the Planning Dept. secretary will serve as the secretary. Open for discussion. Tom Dolan, 19 Isabella asked if Council was aware that John Michaels is an attorney representing the contractor who is building and benefiting from the elderly housing. Councilor Wagner asked if that fact was disclosed at the meeting, Councilor Bove responded yes. He stated that Mr. Michaels has served on many committees; anything voted on by the Taskforce will be brought before Town Council for approval.

NEW BUSINESS

A. Resolution 2007-22 – Relative to the Assessment of Fees Associated with

the E-Reg Program. **Councilor Wagner read first reading.** Councilor Oswald made a motion to hold a public hearing on 5/21/07. Second Bove. Council's vote 4-0-0.

- B. Order 3007-11 – Relative to the Expenditure of Maintenance Trust Funds for the Highway Garage - Councilor Bove read the first reading, waived the second reading and made a motion to adopt. Second by Councilor Oswald. **Open for discussion.** Council's vote 4-0-0.
- C. Ordinance 2007-12 Relative to Amendments to the Sewer Ordinance. – Councilor Bove read the first reading, made a motion for second reading on 5/21/07. Second Councilor Oswald. **Open for discussion.** Council's vote 4-0-0. **Councilor Bove cautioned the Councilors that it is extremely important to look at this matter especially with the influx of elderly housing.**
- D. Resolution 2007-23 – Municipal Code – Title VI – Town Policy, Chapter XXV Fraud Prevention Policy – Councilor Oswald read the first reading, waived the second motion to adopt. Second by Councilor Bove. **Open for discussion.** Councilor Oswald asked if this Resolution is further defining the terms. Sue Hickey responded that SAS99 requires that a fraud policy be adopted to help safeguard against any irregularities. Councilor Wagner asked how committees and Ad Hoc committees who have access to Town property would be handled. She gave an example of equipment used by folks who provided concerts on the common. S. Hickey responded their responsibilities are addressed in the Resolution. She said a copy of the policy will be given to all board members. Discussion ensued as to how the Town will handle someone suspected of fraud. S. Hickey responded that the matter will be brought to the police to handle. Council's vote 4-0-0.
- E. Resolution 2007-24 – Relative to Amendments to the Town Purchasing Policy

Councilor Bove read first reading, waived the second reading and made a motion to adopt. Second Councilor Oswald. Open for discussion. Councilor Oswald asked about auctions, confiscated property, and if we had any items. S. Hickey responded we don't have time to do a complete town-wide auction as in a yard sale, have not done an auction yet. Councilor Oswald suggested check with Peter Curro from the School Board. Town Manager Caron responded the Town customarily disposes it equipment at the state auction, which returns a better value. Tax acquired properties go to auction. Councilor Wagner asked about accepted payments; S. Hickey responded they will accept checks. What happens if it bounces, S. Hickey responded they will report bad checks to Police Dept. Councilor Wagner asked how payment was going to be accepted for e-reg. S. Hickey responded payment will be accepted

through credit and debit cards, funds will be verified that they are in the account. If problem with credit, Police will be notified and person will receive a summons. Ethic statements are also emphasized. Council's vote 4-0-0.

- F. Resolution 2007-25 – Relative to Amendments to the Town Credit Card Policy Councilor Wagner read the first reading; waive the second, made a motion to adopt. Second Councilor Bove. **Open for discussion.** Councilor Wagner said that this is the easiest way for fraud to happen in government. S. Hickey explained Dept. Heads are the only ones who have access to credit cards, auditors frown on personal reimbursements. Intent is to use in emergency situations, while traveling or if department head does not have access to a charge card. At one time they did have credit accounts with vendors but were charged interest; credit cards are paid every month. Councilor Wagner also asked how incentives from credit card companies were used; S. Hickey responded we have never got them. S. Hickey said the basic changes are that the original receipt has to be turned in; because of the federal patriot act the credit card holder must provide Social Security number. Anyone who wants a card must provide personal info; we are not exempt from that. Town Manager Caron stated the Department Heads are the only ones issued and responsible for the credit cards. Janusz Czyzowski, Public Works Director said that the Dept. Heads don't use them unless they have an absolute emergency, cards are very rarely used. Chairman Paradis asked if the Town limits travel charges, S. Hickey responded that we have a detailed travel policy. Responding to a question, Town Manager Caron explained that employees using their own vehicles for town business are paid for mileage, and are not authorized to fill their gas tank with a town credit card. Council's vote 4-0-0.
- G. Fire/Rescue Operations - Town Manager Caron explained that the Fire Department is expecting delivery on a new replacement ambulance. Customarily they older one would be traded in. Fire Captain Mike Carrier explained the Fire Dept. would like to keep it as a backup vehicle. He introduced paramedic Don Waldron who presented a PowerPoint presentation. D. Waldron explained that the EMS call volume has increased 36% since inception and they expect an additional impact from the new Elliot facility, I-93 widening, and the many adult communities being constructed in Town. He also explained that the two ambulances in Town are kept very busy resulting in the mutual aid ambulances being called more and more to handle the situations in Town. If an ambulance is involved in an accident and has to be repaired in Maine where it was built it will take up to 6-8 weeks of down-time. Chief Carrier stated that this is not a staffing request; it is a mechanical reserve so 2 vehicles will always be available. This year they had about 175 mutual aid responses, project over 300. D. Waldron listed benefits; average cost of a transport is

\$700. They projected a fiscal impact of earning the Town about \$35K over a three year period. Councilor Bove said he supports the effort. Discussion ensued about the possibility of additional staffing. Chief Carrier explained the rotation he has within the department. At this time he anticipates no increase in staff but will eventually; he sees a need for more staff. Councilor Wagner asked about grant money and if the use of impact fees can be applied. Fire Chief Carrier responded most of the grant money goes to the state. Town Manager Caron responded he and Andre Garron will look into it. Mike Brown, Chair of the Budget Committee asked about if we had to buy new equipment for the new ambulance. Fire Chief Carrier responded new ambulance is not equipped, usually take the old equipment and put in new ambulance. Chief Carrier explained the new ambulance will be here in 5 weeks and the intent of bringing it to the attention of Council tonight was strictly to keep the older one as a back-up. Chairman Paradis said they would bring it up for discussion again at the next Town Council meeting scheduled for 5/21/07

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- H. Resolution 2007-26 – Relative to a Certificate of Need – Elliot Health System **Councilor Bove read first reading, waived second motion to adopt. Second by Councilor Oswald. Open for discussion. Chairman Paradis explained that he attended a luncheon given by the Elliot. The delay in opening was brought about because of other issues involving other local hospitals. Elliot already got the OK to open; this resolution shows support of the facility. Councilor Oswald said he is hosting the CEO and medical staff for a taping of a program later in June. Councilor Bove stated that the facility provides services to our community, should get certificate of need, the community needs the facility and he supports it. Chairman Paradis suggested adding an addendum to the Resolution showing the community needs this service.**

The addendum reads: Whereas the State Health Services Planning and Review Board has application before the State Health Services Planning Board as originally submitted and agreed to by the State Health Services Planning Board and the State Health Services Planning Board, Councilor Bove agrees with adding to the resolution, no benefit to community to delay services. Councilor Oswald said the CEO said there were public meetings the opponents had their opportunity to raise concerns. Don Waldron stated he attended a meeting where they requested an accelerated meeting for CON. The Council supports Elliot health systems and. Councilor Bove made a motion to add amendment. C

APPROVAL OF MINUTES

Councilor Oswald made a motion to accept the Public Meeting Minutes of 4/16/07 with corrections. Typo on line 14 should read Public and re-write line 220. Second by Councilor Wagner. Councils' vote 4-0-0.

OTHER BUSINESS

Liaison Reports - Councilor Bove attended the Housing Task Force meeting, the group welcomed the public input they had received so far. They intend to have guest speakers; information and agendas will be on the website. Goal is to define affordable housing as well as researching what impacts they will have on town services. Affordable housing is closely tied into economic development; only as good as implemented. Looking at CIP, Master Plan. Next meeting 6/7.

Councilor Wagner attended the Old Home Day meeting. Theme is “The Big Apple of New Hampshire”. “Kids Night” booths are not sold for vendors. Thanked Platinum, Gold and Silver Sponsors. Could not attend Budget meeting because they moved the date of the meeting, conflicted with Old Home Day meeting. The Planning Board met with Ravena Investment Associates, they are the firm proposing Starbucks, Taco Bell, and Verizon Wireless on Rt. 102. State is allowing them a left hand turn on 102; Planning Board is concerned because of hazards. She suggested residents come and express their concerns at the June meeting. Councilor Bove said he was unable to attend but expressed his concerns that he does not approve the left hand turn. The Historic Task Force and Demolition Delay Committees talked about moving a barn rather than tearing it down. Both committees are going to recommend to zoning board that the owner receive a variance to preserve the barn. Historical Society wants to be able to bid on a sampler from e-bay. The McMurphy family verified the authenticity of the items. Councilor Paradis suggested raising funds of \$3K for the live auction to get both samplers for display in the library. Councilor Wagner stated she has \$1,500 from citizens, wants assistance from the Town. Discussion ensued and it was decided to take \$200 from each of the Councilors’ expense accounts to total \$1K. The agreement was that if Councilor Wagner was able to raise \$2K then Council will give them \$1K for the auction. **Councilor Oswald made a motion to that agreement. Second by Councilor Bove** who suggested the Historical Society set aside funding for future purchases of this nature. Councilor Wagner met with the School Board on Wednesday. NHCAFE voted down the newly proposed amendment from Governor Lynch pertaining to state school funding.

Councilor Oswald attended Leadership Londonderry class and they met at MHT with Airport Director Kevin Dillon. Capt. Gerry Dussault give a wonderful behind-the-scenes tour of MHT along with a demonstration by a bomb sniffing K-9 unit. Graduation is scheduled for 5/15. Conservation Commission will be meeting tomorrow night, Open Space is the topic.

Chairman Paradise announced that there will be a blood drive at St. Jude’s this Friday, 5/11 from 1-7 PM. A joint meeting with Town Council, Budget Committee and School Board will be held on 6/12 in the Band Room at Londonderry High School.

Summer Meeting Schedule – Consensus is to have a meeting once a month beginning in June, dates are 6/14, 7/12 and 8/9.

Town Manager's Report: Town Manager Caron stated that Council expressed an interest in a tour of the Elliott Facility; consensus was to have it on 5/17 at 5:30PM

Budget Committee met with state delegates; HB653 dealing with the State Retirement System was discussed. Town Manager Caron has been attending meetings in Concord regarding this issue. He suggested sending a letter to Sen. Clegg to pass along Londonderry's support for HB653.

He also informed the Council that the highest bidder for Engine 4 was from Newport, WA.

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 9:56 PM. Second Councilor Bove. Councils' vote 4-0-0.

Notes and Tapes by: Margo Lapietro Date: 5/07/07

Minutes Typed by: Margo Lapietro Date: 5/10/07

Approved: Town Council Date:

MEETING SCHEDULE:

Town Council May 21 @ 7:00 PM, Moose Hill Council Chambers