

**TOWN COUNCIL
AGENDA
August 9, 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.

- 7:00 PM I. CALL TO ORDER
- 7:01 PM II PUBLIC COMMENT
- A. Melissa Nemon, Candidate for Position on Planning Board (Alternate)
- B. Charlie Evans, Freedom Park Associates
- C. Paul Margolin
- 8:00 PM III. OLD BUSINESS
- A.
- 8:05 PM IV. NEW BUSINESS
- A. Ordinance #2007-05 - Relative to Rezoning Certain Property on Clark Road (Coca-Cola Facility)
- B. Proclamation – Old Home Day
- C. FY09 Budget Guidelines
- D. Manpower & Succession Plan
- E. Request for Declaratory Judgment – Citizen’s Petition
- F. 2008 Budgetary Town Meeting – location
- G. Ordinance #2007-06 - Relative to Speed Limit on Buttrick Road; Report of the Traffic Safety Committee
- 9:05 PM V. APPROVAL OF MINUTES
- A. Minutes of the Council’s July 12, 2007 Public Meeting
- 9:10 PM VI. OTHER BUSINESS
- A. Liaison Reports
- B. Town Manager’s Report

- 1) Erection of 9/11 Memorial on Town Common
- C. Board/Committee
 - Appointments/Reappointments/Resignations
 - 1) Melissa Nemon, Alternate to the Planning Board, term to expire 12-31-07
 - 2) Deborah Shimkonis Nowicki, Full Member to the Londonderry International Exchange Committee, term to expire 12/31/08

9:30 PM

VII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council, September 17, 2007 @ 7:00 PM, Moose Hill Council Chambers
- B. Town Council, October 1, 2007 @ 7:00 PM, Moose Hill Council Chambers
- C. Town Council, October 15, 2007 @ 7:00 PM, Moose Hill Council Chambers

Introduced: 8/09/07
Second Read/Pub Hrg: 9/17/07
Adopted: x/xx/xx

ORDINANCE 2007-05
AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO REZONING MAP 15, LOTS 91, 93, 93-
1 & 93-2

WHEREAS the Planning Board received a request to rezone the above-referenced parcels from AR-1 to I-1.; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon the request, subject to conditions; and

WHEREAS the requested rezoning would further expand the Town's industrial tax base without any detrimental effects upon the quality of life in the community;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 15, Lots 91, 93, 93-1 & 93-2 from AR-1 to I-1, to become effective upon passage by the Town Council and subject to the following conditions:

- 1) Final approval of the re-subdivision of the parcels, and that such subdivision include a condition of approval that restricts the Coca-Cola parcel from accessing Clark Road;
- 2) Voluntary merger of the re-subdivided lots with Lot 98 is signed by the Planning Board;

Joseph Paradis
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
xx/xx/xx

Town Seal

Introduced: 08/09/07
Second Read/Public Hrg.: 09/17/07
Adopted: xx/xx/xx

ORDINANCE 2007-06
AN AMENDMENT TO THE MUNICIPAL CODE
RELATING TO THE TRAFFIC SAFETY ORDINANCE

WHEREAS the Town of Londonderry's Traffic Safety Committee has been reviewing speed limits on town; and,

WHEREAS The Committee recognizes that the speed limit on Buttrick Road should be adjusted to 30 MPH to match the speed limit on other residential roads in the community; and,

WHEREAS the Londonderry Town Council wishes to amend the Ordinance to reflect changes to Title II, Chapter IX, Section I - Speed Limits, and is vested with the power to effect such changes to the Municipal Code; and,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title II - Traffic Safety Ordinance, Chapter IX, Section I - Speed Limits, is hereby amended by establishing the speed limit on Buttrick Road at 30 MPH.

Joseph Paradis - Chairman
Town Council

Meg Seymour

Town Clerk

(TOWN
SEAL)

A TRUE COPY ATTEST:
00/00/00

TOWN COUNCIL MEETING
July 12, 2007

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

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

CALL TO ORDER

Chairman Paradis opened the meeting at 7:05 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

Councilor Bove made a motion to open the Public Hearing. Second by Councilor Wagner. Councils vote 4-0-0.

PUBLIC HEARING

- A. Ordinance 2007-04 Relative to an Amendment to Title I, Chapter XXIII of the Municipal Code – Prohibiting Dogs at Nelson Field and Continental Park - Art Psaledas, Recreation Director said the reason this Ordinance was proposed due to issues of dogs scratching and jumping on children during events at the parks. Discussion ensued about use of fields, liability of Town. Councilor Wagner suggested making it mandatory that all dogs be on leash at all times if child shows up. This idea was discussed at length and it was decided to accept the Ordinance as worded. Open for discussion. Mike Brown talked about leash law. Police Chief Ryan responded the Town has a controlled leash law. M. Brown asked if the council has considered a true leash law as opposed to this ordinance. Chairman Paradis stated that a leash law would be considered at a later date. Councils vote 4-0-0.

Councilor Oswald made a motion to close the public hearing. Second by Councilor Wagner. Councils vote 4-0-0.

PUBLIC COMMENT

- A. Award of Plaque and Certificates to the Award Winning Special Forces Track and Field Team – Chairman Paradis gave certificates and a plaque to the award winning team

- B. Laura El-Azem, Candidate for Position on Planning Board (Alternate) - **The Council met Laura El-Azem and Councilor Oswald asked why she was interested in the alternate position on the Planning Board She responded that changes in the Capital Improvement Plan (CIP) prompted her. Councilor Bove made a motion to nominate Laura El-Azem to Planning Board as an alternate. Second by Councilor Wagner. Councils vote 4-0-0.**
- C. Police Chief Joe Ryan - **Chief Ryan introduced Alvin Bettencourt, a newly appointed Londonderry Officer. He then introduced Ofc. Randall and Sgt. Jones who talked about tasers. They explained that tasers are a self-defense tool, designed to incapacitate an individual; they are non-lethal. Questions entailed about availability; how many (7) and training. Chief Ryan said he is mainly concerned about the policy which will be in place and acceptable to national standards. Chairman Paradis asked if they can be used at Manchester/Boston Airport (MHT). Chief Ryan responded they can be used there and if they are they will be paid for by MHT. The design and life expectancy was discussed. Councilor Wagner questioned the cost of training, and the units themselves. Chief Ryan responded that the initial units and training cartridges would be paid for by a grant received from drug arrests. Total cost would be about \$2K per year and the use of the unit will be incorporated with regular police training.**
- D. Town Assessor Karen Marchant. – **K. Marchant explained the two positions that are open in her department. She reduced a part time position for a clerk in her department from 28 to 17 hours which resulted in a reduction of her budget by \$30K. The position is vacant, and she has transferred most of the responsibilities into the secretary’s position. She left the position open as a temporary position, and has a person who can work about 30 hrs a month. She will re-evaluate the position in the spring; at present due to the completion of the update, it is not needed presently but will be in the future. The second opening is for a full time appraiser. This is a LAEA position and is already in this year’s budget. In addition to being out in the field this position also follows up on improvements when building permits are issued, abatements when needed and sales evaluations. Dept. of Revenue requires standards; position is needed to meet them. Councilor Wagner asked about contracting the work out. K. Marchant responded that if you have a temp in the field they will have to be re-trained to our system, and be consistent When the same person does it, they go systematically in a neighborhood and don’t require training. Councilor Wagner asked why it couldn’t be a part-time position. K. Marchant said that person has to be accessible to the taxpayers and she wouldn’t have someone in the office doing in-house work.**

Chet Ham and Marilyn Ham Peabody Row. **C Ham asked the Council what is our community character and how do you keep it in Town. Their concern is that with**

all the building and removal of stone walls, trees, berms and site distances of driveways that the codes and regulations are not adhering to keeping the character of Town. They encouraged everyone to be mindful of what is going on and what is the nature of character in town. He cited Elliot and the Buttrick Road property. Marilyn Ham spoke about Buttrick farm being destroyed, old oak trees destroyed. Clear cutting is being done and trees that are marked to be saved are not being saved if taxpayers are not in attendance to prevent them from being cut down. Councilor Wagner stated that the Historic Properties Task Force and Heritage Comm are the organizations that are already in place. Town is trying to work with developers, and the Historical Task Force will be making suggestions in Sept. M. Ham stated that the Town had guarantees that stone walls were not going to be destroyed. Chairman Paradis suggested the Hams come to the Town Council meeting scheduled on 9/17 to hear the suggestions from the Historic Task Force. Councilor Wagner said oak trees were cut down on Adams Rd never replaced, need to follow up when council makes commitments like that Reed Paige Clark, III, Stonehenge Rd. reminded the Council that he would like the Annual Town Meeting to be moved to the school gym. Chairman Paradis said it is the decision of the Moderator as to where it will be held. Mike Brown said it was good to see dept heads provide staffing information to the Town Council. He stated that questions from Councilor Wagner were excellent, urged Town Council to provide direction to Town Manager. The suggestion by Councilor Wagner to look into part-time positions was good. He suggested making it standard operating procedure when vacancies appear to come to the Council and for them to give direction to Town Manager Tom Dolan, Isabella Dr. spoke about the citizens' petition to take money from Open Space and use for funding for North West Fire Substation. He read in one of the newspapers that 25 signatures will allow it to be put on the ballot. Public was misinformed about the legality of the document. It has to be a legal petition. Chairman Paradis said counsel said it is illegal, Town won't put it on the ballot, petitioner has option to go to court. Richard Bielinski, Hall Rd asked if the decision we received from attorney was based on case law or attorney opinion. He said there is a difference. Chairman Paradis said he did not have a copy of the letter. R. Bielinski talked about a special exemption given to a beauty salon on 11/05. Violations as of tonight still happening, working different hours than agreed. He asked Council to direct the Code Enforcement. Officer to pull special exemption. Chairman Paradis said that they did send F. Holdsworth out on a Sat., there was no violation at that time. Chairman Paradis talked to the Town Manager about it. Chairman Paradis said he would on his own time sit down and talk to the owner. At this point in the meeting he read a letter from Gerald Adams who could not attend the meeting. The letter dealt with the hours of operation, and equipment located outside of the fence at the Dudek junkyard.

Tom Freda, 30 Buckingham Dr. spoke about the petitioned warrant article. He said 70 voters signed not 25 as stated in paper, he was surprised that the article said it

was on the ballot. Chairman Paradis said the debate is if we can put it on our ballot if our attorney said it can't be put on the ballot. T. Freda, had copies of RSA Section 39:3-b which he passed out. He said that it stated that the Town Council will be guilty of a violation if it refuses to insert the article in the warrant after being petitioned to do so in accordance with the RSA He wanted to know why this petition gets scrutinized. Chairman Paradis suggested waiting until the Town Manager gets back and they can all sit down and discuss. T. Freda stated the voters shall have the right to vote unless a judge says otherwise. If the Town's attorneys think it is illegal, sue the 70 voters. Chairman Paradis said our attorney says that per state law funds in Conservation Fund can only be expended upon direction of the Conservation

OLD BUSINESS

None

NEW BUSINESS

- A. Resolution 2007-09 – Reference to the Establishment of a Health Insurance Holding Account – Sue Hickey said that they anticipated this year's health premiums to increase by 12%, said actual rates only rose 1.2 %. It is recommended that excess insurance funds in each department's budget be transferred into a special holding account. Chairman Paradis stated that the monies can be expended by the Town Manager and he will come before Town Council to appropriate. . Councilor Oswald read the first reading, waive second, made a motion to accept. Second Councilor Bove. Councils' vote 4-0-0.
- B. Order 2007-13 – Relative to the Use of Expendable Maintenance Trust Funds Councilor Bove read the first reading, second reading not applicable, made a motion to adopt. Second by Councilor Oswald with discussion. **He asked M. Brown, Chairman of the Budget Committee, to reign in expendable trust funds during budget season. He asked when is it expendable and when does it come from operating budget. S. Hickey explained if it is structural maintenance to a building it comes out of expendable maintenance as opposed to routine maintenance. In this case it was an emergency situation to repair HVAC at Police facility.** Councils vote 4-0-0.
- C. Receipt of Citizens' Petition – Re: Rezoning Certain Property on Perkins Road -Chairman Paradis read letter that accompanied the petition from Elmer Pease. Elmer Pease explained the properties, wants to extend the R-III south along Perkins Rd and extend the C-2 towards I-93. He is proposing mixed use properties, retail, non-residential and residential properties. Plan is for small retail stores no big box stores Showed plans for preservation of wetlands and buffer zones. Traffic impact will be of concern, explained proposed road work and alternatives. Property will

have 55 and over and non-restrictive housing. 108 non-restrictive units and 48 restricted. Art Rugg, Chair of Planning Board and John Farrell Panning Board Vice Chair, explained they have not seen anything on this project. A. Rugg asked when conceptual discussion will be done. He clarified that there were two things going on, conceptual plans and re-zoning. Councilor Wagner made a motion to accept the petition, refer it to the Planning Board under the rules of 4.6.2 for review by the Planning Board Second Councilor Bove **Open for discussion.** Councils' vote 3-0-1 Councilor Oswald abstaining. **Reed Paige Clark, III, said this is the type of thing that Chet Ham referred to at the beginning of this evening's meeting.**

APPROVAL OF MINUTES

- A. Minutes of the Council's June 12 Joint Meeting & June 14, 2007 Public Meeting Councilor Wagner made a motion to approve the meeting minutes from June 12 and June 14, 2007. Councilor Bove second. Councils' vote 4-0-0.

OTHER BUSINESS

- A. Liaison Reports: - Councilor Bove talked to Paul Margolin, wants to come to show the "Welcome to Londonderry" signs that are being voted on during the Old Home Day Celebration. He will discuss the ballot procedure that will be used for voting
- B. Councilor Wagner attended the last meeting of the Historical Properties Preservation Task Force They have compiled a catalogue and recommendations that will be presented in September to Council
- C. Councilor Oswald attended Traffic Safety meeting will have a recommendation for agenda at August meeting regarding speed limits on Wiley Hill. Police Dept. still studying major collector roads. Still accepting applications for Leadership Londonderry. Monday night Concert on the Common continues, runs through mid August, starts at 7:00 PM
- D. Chairman Paradis attended the Library Trustees Board meeting they talked about posting agendas at Town Hall. They are also looking for a bike rack for the library. Hopefully someone will chip in or donate it or it could be a good scout project. Councilor Oswald suggested putting it near the employee parking lot

- E. Town Manager's Report - None

- F. Board/Committee Appointments/Reappointments/Resignations

- a. Laura El-Azem, Alternate to the Planning Board, term to

expire 12/31/08 . Appointed under Public Hearing.

- b. Sue Joudrey, Heritage Commission, term to expire 12/21/08
Councilor Wagner made a motion to appoint Sue Joudrey to the Heritage Commission. Second by Councilor Bove
Councils' vote 4-0-0.

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 9:35 PM. Second Councilor Oswald. Councils' vote 4-0-0.

Notes and Tapes by: Margo Lapietro Date: 7/12/07

Minutes Typed by: Margo Lapietro Date: 7/17/07

Approved: Town Council Date:

MEETING SCHEDULE

Town Council, August 9, 2007, @ 7:00 PM, Moose Hill Chambers
Town Council, September 17, 2007 @ 7:00 PM, Moose Hill Council Chambers