

**TOWN COUNCIL  
AGENDA  
October 1, 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 – PUBLIC SESSION
- 7:01 PM            III    PUBLIC HEARING
- A.    Ordinance #2007-07 – Relative to Re-Zoning Map 6, Lot 31
- B.    Ordinance #2007-08 – Relative to Revisions to Vehicle Access & Parking, and Sign Sections of the Zoning Ordinance
- 7:30 PM            IV.    PUBLIC COMMENT
- A.    Project Play – Lara McIntyre – Use of Impact Fees
- B.    Dottie Grover – Town Meeting Venue
- 8:00 PM            V.     OLD BUSINESS
- A.    Manpower and Succession Planning Report
- 8:20 PM            VI.    NEW BUSINESS
- A.    Order #2007-15 – Relative to an Expenditure from the Maintenance Trust for Recreation Purposes
- B.    Ordinance #2007-09 – Relative to an Amendment to the Municipal Code Title VI, Chapter XIII, Ambulance Fees and the Collection Thereof.
- 9:00 PM            VII.   APPROVAL OF MINUTES
- A.    Minutes of the Council’s September 17, 2007 Public Meeting

9:05 PM

VIII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager's Report
- C. Board/Committee Appointments/Reappointments/Resignations

9:30 PM

IX. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council, October 15, 2007 @ 7:00 PM, Moose Hill Council Chambers
- B. Town Council, October 22, 2007 @ 7:00 PM, Moose Hill Council Chambers – FY 09 Budget Presentation
- C. Town Council, October 25, 2007 @ 7:00 PM, Moose Hill Council Chambers – FY 09 Budget Workshop
- D. Town Council, October 29, 2007 @ 7:00 PM, Moose Hill Council Chambers – FY 09 Budget Workshop
- E. Town Council, Sat., November 3, 2007 @ 9:00 AM, Moose Hill Council Chambers – FY 09 Budget Workshop

Introduced: 9/17/07  
Second Read/Pub Hrg: 10/01/07  
Adopted: x/xx/xx

**ORDINANCE 2007-07**  
***AN AMENDMENT TO THE ZONING ORDINANCE***  
***RELATING TO REZONING MAP 6, LOT 31***

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***WHEREAS*** the Planning Board received a request to rezone the above-referenced parcels from C-I to C-III and remove the parcel from the Rte. 102 POD; 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 non-residential 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 6, Lot 31 from C-I to C-III, and remove the parcel from the Rte. 102 POD, to become effective upon passage by the Town Council and subject to the following conditions:

- 1) Final approval of the site plan for the parcel which is consistent with the design presented conceptually to the Planning Board on July 11, 2007 and again during the Planning Board rezoning hearing on August 8, 2007.

Joseph Paradis  
Chairman - Londonderry Town Council

***A TRUE COPY ATTEST:***

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***Marguerite Seymour - Town Clerk***  
***10/01/07***

***Town Seal***

Introduced: 9/17/07  
Second Read/Pub Hrg: 10/01/07  
Adopted: x/xx/xx

**ORDINANCE 2007-08**  
***AN AMENDMENT RELATING TO REVISIONS TO  
THE ZONING ORDINANCE***

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***WHEREAS*** the Planning Board and Staff have undertaken the process of systematically reviewing and updating sections of the Zoning Ordinance; and

***WHEREAS*** this process has resulted in the rewrite of the Vehicle Access & Parking, and Sign sections of the Ordinance; and

***WHEREAS*** the Planning Board has recommended that the Town Council act favorably upon these revisions;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the revisions to Sections 3.10 Vehicle Access & Parking, and 3.11 Signs, as recommended by the Planning Board.

Joseph Paradis  
Chairman - Londonderry Town Council

***A TRUE COPY ATTEST:***

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***Marguerite Seymour - Town Clerk***  
***10/01/07***

***Town Seal***

First Reading: 10/01/07  
Second Reading/Public Hearing: waived  
Adopted: 10/01/07

**ORDER 2007-15**

***AN ORDER RELATIVE TO THE EXPENDITURE OF  
MAINTENANCE TRUST FUNDS FOR RECREATION PURPOSES***

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*WHEREAS* voters since 2003 have approved funding for the maintenance and repair of public building and grounds in the town; and

*WHEREAS* the Recreation Division has been experiencing faulty and plugged sprinkler heads at Continental Park, resulting in the costly replacement of the heads; and

*WHEREAS* the Division has identified a solution by filtering its water supply;

*NOW THEREFORE BE IT ORDERED* by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to transfer up to \$6,600.00 from the Expendable Maintenance Trust Fund to purchase and install an Automatic Turbo Filter at the Continental Park pump house.

Joseph Paradis - Chairman  
Town Council

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Meg Seymour

Town Clerk

(TOWN SEAL)

***A TRUE COPY ATTEST:***  
**10/01/07**

**Introduced: 10/01/07**

**Public Hearing: 10/15/07**

**Adopted: xx/xx/xx**

**ORDINANCE 2007-09**

***AN ORDINANCE RELATIVE TO AN AMENDMENT TO THE  
MUNICIPAL CODE, TITLE VI, CHAPTER XIII, AMBULANCE  
FEES AND THE COLLECTION THEREOF***

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**WHEREAS** the Town of Londonderry provides Emergency Medical Services through its Fire Department; and

**WHEREAS** the Town charges a fee for said services, which are critical to offsetting the cost of providing said services, and

**WHEREAS** the Town has experienced a significant number of delinquent accounts and should consider additional collection measures;

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Londonderry that the Title VI, Chapter XIII of the Municipal Code is hereby amended, effective immediately, to authorize the use of credit agency reporting and collection agencies to reduce the number of delinquent ambulance fee invoices.

Joseph Paradis - Chairman  
Town Council

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Meg Seymour

Town Clerk

(TOWN SEAL)

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

**TOWN COUNCIL MEETING**  
**September 17, 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; Brian Farmer, and Kathy Wagner; Town Manager Dave Caron, Assist. Town Manager/Finance Dir. Sue Hickey, and Margo Lapietro, Executive Assistant. Absent Brain Farmer

**CALL TO ORDER**

**Chairman Paradis opened the meeting at 7:02 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.**

**PUBLIC HEARING**

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

**A. Ordinance #2007-06 – Relative to Speed Limit on Buttrick Road; Report of the Traffic Safety Committee-Fog**

**Town Manager Caron stated that over a year ago residential streets were reduced to 30 MPH. Traffic Safety Committee (TSC) was recently notified that Buttrick Road was overlooked. Councilor Wagner asked if there was a future need of a set of traffic lights there. Town Manager Caron stated it would depend on traffic flow. Tim Thompson, Town Planner said there were no plans yet traffic studies associated with future development will be reviewed by State to determine the necessity. Open to public, no discussion. Councilor Bove read the second reading and made a motion to accept. Second by Councilor Oswald. Council's vote 4-0-0**

**Janusz Czyzowski, PW Dir. said that TSC has been approached by some taxpayers regarding painting fog lines on various streets in Town. He said it is a safety issue and should be discussed at a Council meeting. He explained the roads targeted consisted of 34 miles and estimated the cost would be approximately \$15K, which would bring his budget over default as requested by Council. He explained if he got the money he would prefer to spend money to be used on site distances at intersections. Councilor Oswald asked if there were particular roads in Town that had a tendency for evening accidents. J.**

Czyzowski said he had no data present but would look into it. Chairman Paradis asked what roads had the fog lines, and how often were they painted. J. Czyzowski responded state roads had them, supposed to be painted once a year but were not. Lines are painted each year on town roads. Open for discussion. Ed Ferreira, 15 Lancaster Dr. stated any road with yellow lines should have white lines on the side, beneficial for everyone. Joe Curro, 103 High Range Road said it was a safety issue for everyone, all towns around us have it. Both Councilor Bove and Wagner asked J. Czyzowski to come back with five high use roads that he would put fog lines. Councilor Bove said they should look at this as a line item during budget review.

B. Ordinance #2007-05 – Relative to Rezoning Certain Property on Clark Road (Coca-Cola Facility)

Councilor Bove read the second reading made a motion to adopt. Councilor Oswald second. Chris Rice from TF Moran presented drawings. Coca-Cola is interested in re-zoning 4 parcels along Clark Road Total land area of 14 acres; none of the abutters had concerns. The Planning Board had two conditions; no access to Clark Rd and; merger of the re-subdivided lots with Lot 98. Councilor Bove question what happens to two remaining lots, he responded lots 15-92-1 & 15-92-2 will remain residential properties. Tim Thompson responded there is currently a sub-division application in process in Planning Board to shift the lot line to make those conforming residential lots Tim Thompson explained the Planning Board recommends the rezoning with the above listed conditions. Tom Duffy, Realtor with Prudential/Verani represents Jason White, owner of Lot 15-96. He said according to the Master Plan the Coltey lot, 15-97 was rezoned last year by Council. Jack's Bridge Rd not rezoned industrial, Planning Staff recommendation said wait until each lot comes in, rezone as it comes in. Coltey lot and Jason White's lot and lot next to it not re-zoned, which creates difficulties to setbacks. Councilor Bove made a motion to approve. Second by Councilor Wagner. 3-0-1, with Councilor Oswald abstaining.

Motion to close public hearing made by Councilor Oswald. Second Councilor Bove. Vote 4-0-0.

PUBLIC COMMENT

- A. Vinny Curro – Safety Week Vinny Curro announced that this Saturday from noon until 4:00 PM was Family Safety Day, coincides with Emergency Preparedness, National Child Safety Week. This is the seventh year he has run the program. He explained they will do a child's car seat check, offer free child identification kit for use up to 18 years old, a smoke house trailer will be available, and health screenings are among some of the services offered. Last year they had approximately 133 kids.
- B. Julie Liese – International Exchange Committee (LIEC) - Reed Paige Clark III. and Julie Liese announced that the ballroom dance team from Voladga, Russia will be arriving 10/4 along with two ambassadors/interpreters. Arthur Murray Dance sponsoring them. On Sat. 10/6 they will be doing



demonstrations and offering instruction at Arthur Murray. J. Liese explained that Voladga became our sister city in 1991. Has 300K residents and is located about 300 miles north of Moscow. Reed said Voladga is where all Russian diplomats stayed during WWI1. They are trying to host a presentation on Friday, "Londonderry Days". R. Clark is working on the details

C. Code of Ethics Discussion – Nick Holmes, and Scott Ives Town of Dunbarton  
Sean O' Keefe introduced Nick Holmes and Scott Ives from Dunbarton who were on the committee to establish a Code of Ethics Committee in their Town. Nick said they started it in 200 and studied state laws that applied to state officials. Have an ethics committee for the past 6 1/2 yrs., and has been very successful in their Town.

1. Gives everyone an objective standard about what the ethics are that the town officials should comply with.
2. Serves as an educational function for newly appointed town officials
3. Resource
4. Provides a neutral and detached forum for resolving complaints. All complaints have to be in writing, specify which section of code violated, date of violation. Complainant has to certify they have gone through lowest levels to resolve ethical disputes before coming to the committee. Once complaint has been received, any scandal or potential for damaged reputations will not be made public. Otherwise out in open.

Councilor Oswald asked if there was any one incident that brought the formation of this committee being formed in their Town. He responded they had Police and Selectmen issues, as well as small town gossip. Small scandals withdraw good-willed people from serving the Town. They developed a series of flow charts to handle situations. Councilor Wagner asked how members are elected, how do you police yourself. N. Holmes said they come together for the good of the town. S. Ives said the committee's power is their reputation, they only make a finding in the case, produce a report, cannot remove someone from office. Their only authority is when a complaint is filed. If a committee member brings in a violation they have to recuse themselves. Councilor Bove asked if the public meeting has to be posted, S. Ives responded yes. Councilor Bove asked if the meeting could be a non-public session, he responded they have never done it and prefer that the meetings are public. If accuser does not show up do you still hold meeting, yes, still have meeting. Questions arose about how often they meet and does the code of ethics apply to volunteers. N. Holmes responded they meet each month and it does apply to volunteers Councilor Bove complimented them, highly recommended using Dumbarton's Code of Ethics. Chief Joe Ryan asked if they had contracted employees when they instituted this committee, S. Ives replied not at that time. He asked what training is required of ethics

committee. S. Ives replied that only criteria in their Town are that you can run for office, no special training other than their own training on the code and how it works. Jeff Locke, 10 Welsh Rd. liked the idea of an ethics committee. Councilor Oswald suggested bringing this item up again at the Oct. 15 Council meeting.

- D. Tom Duffy – Tom Duffy, Prudential Verani Realty, discussed the zoning issue on Map 15 lots. He read an 8/22 letter he sent to Town Manager and quoted excerpts from the Planning Board meeting of 4/12/06. The lot he represents is not zoned industrial, suggested extending zoning line from edge of town land and extend back 250' from Jack's Bridge Rd. He wanted clarification from Council that frontage on Jack's Bridge was industrial with some depth onto Clark Road. Andre Garron said two of the property owners wanted rezoning. He explained that industrial property is assessed at a higher level than residential resulting in higher taxes. Planning Board recommended rezoning of 15-97. The Whites did not approach the Board at the same time as the other property owner. Desire for Master Plan was for Jack's Bridge to remain industrial. The Coltey lot #97 at this time is conditionally rezoned pending sub-division remains stalled because no revised plans received nor have application fees been paid for close to a year. As of today it remains residential The White lot and Remington lot all remain residential. T. Duffy stated rezoning those lots complies with the Master Plan for that area. The Planning Board relies upon property owners to come forward with request to re-zone properties. A. Garron stated the triangle remains residential. Split zone lot is not a good situation because it will result in more restrictions applied. Discussion ensued about rezoning the lot. T. Thompson said there are three options; rezone all three lots to industrial; create subdivision lines for those lots intended to be industrial; leave the remaining lots residential. Master Plan says all of area should go industrial. Art Rugg, Planning Board Chairman, said the board always works with land owners; he suggested Mr. Duffy try to work with them. Mr. Duffy said he talked with all the land owners to see if they wanted to rezone.

Gerard Adams, 54 Hall Road – Mr. Adams was unable to attend the last Council meeting and had his wife read a prepared statement at that meeting. He appeared tonight to defend his position regarding reporting complaints against Murray's Auto Salvage.

#### OLD BUSINESS

- A. Manpower and Succession Planning Report - Chairman Paradise at the request of absent Councilor Farmer had this subject replaced on next agenda. Everyone was in agreement.

#### NEW BUSINESS

A. Historic Properties Preservation Task Force Final Report – **Chairman of Historic Properties Preservation Task Force, Russ Lagueux, A.Garron and T. Thompson were in attendance. R. Lagueux explained background of the committee and said they have come up with five criteria for a Historic Structure in the Town of Londonderry**

1. **Has to be 100 years of or greater**
2. **It is a significant example of a particular historical period or architectural style**
3. **Building’s original core structure must have retained a minimum of 75% of its original external features and be free of major external alterations and/or additions.**
4. **If house does not meet this criteria, a determination could be made by the Historic District Commission (HDC) that the structure has unique historical value despite the criteria listed above. In addition, they specifically defined what a historic site was. Their report identified 141 properties in town and they were listed in the report.**

**The homeowners who attended a workshop had 5 requests they would like to see implemented:**

1. **Direct the Planning Board to address zoning issues for historic homes.**
2. **Establish a informational/resource report for Heritage/Historic Commission and the Historical Society whereby information can be easily accessible to historic homeowners interested in preservation, techniques, and contact information for specialists**
3. **This report should be updated periodically by the Heritage/Historic District Commission**
4. **Follow-up workshop should be held.**

**A. Garron thanked everyone for their hard work. Councilor Oswald asked what is process for someone who wants to have their house added to list. T. Thompson explained the HDC will be in charge of it. Councilor Wagner said it is important to implement plan, homes are expensive to repair, homeowners need tax breaks. She said homes built before zoning was instituted, have hardship when they want to put additions on homes. T. Thompson explained there was no way to create a Historic District because homes all over Town. He said the report will be on the website. Art Rugg commended everyone’s work.**

B. Ordinance #2007-07 – Relative to Re-Zoning Map 6, Lot 31 Councilor Oswald read the first reading, second reading and public hearing scheduled for 10/1/07, made a motion to move. Councilor Wagner second. Council’s vote 4-0-0.

C. Ordinance #2007-08 – Relative to Revisions to Vehicle Access & Parking, and Sign Sections of the Zoning Ordinance **Councilor Bove read first reading,**

**second reading/public hearing scheduled for 10/1/07.** Councilor Bove made a motion to move the Ordinance to the 10/1/07 meeting. Second by Councilor Wagner. **(10:01 PM Councilor Oswald left).** Councilor Wagner asked **T. Thompson for explanation of inside signs. He responded the changes in this zoning ordinance address outside commercial advertising and some outdoor signage within residential and agricultural operations. Does not enforce signs within a building.** Council's vote 3-0-0. **(At this point in time Councilor Oswald returned to the meeting).**

- D. Resolution #2007-30 – Relative to Acceptance of a Conservation Easement from Granite Ridge Energy Councilor Oswald read first reading, waive second reading, motion to adopt. Second by Councilor Bove. **Town Manager Caron explained these easements are related to the AES site plan approval. Councilor Oswald said this abuts Musquash.** Council's vote 4-0-0.
- E. Resolution #2007-31 – Relative to Sanctioning of Londonderry Youth Soccer Association Councilor Wagner read first reading, waived second, motion to adopt. Second Councilor Oswald. **Recreation Director, Art Psaledas said they had a little trouble with paperwork, did not get articles of agreement from State. They received a letter from State, original not in their hands yet, but State said they were OK.** Second Councilor Oswald, Council's vote 4-0-0..
- F. Order #2007-14 – Relative to a Grant to the Londonderry School District - Councilor Bove read first reading, second waived, motion to adopt. Second Councilor Wagner. **Chairman Paradis asked Town Manager Caron if this is an annual grant, he responded it is an annual grant.** Council's vote 4-0-0.
- G. Review of Collection Process – Ambulance Service – **Sue Hickey stated that in the past fiscal year we had a 53% write off of ambulance fees which amounts to about \$245K. These were classified as “non response to collection letter” She proceeded to give a brief overview of the process. The Town uses Comstar who sends out 3 bills to the patient; if they receive no response, they send out a collection letter to patient. If no response to collection letter, we have option to:**
- 1. Use a collection agency that has 3% success rate in their collection rate;**
  - 2. Report bad debts to credit bureau.**

**Legal council said we can adopt different policies for residents and non-residents. Councilor Bove suggested phoning delinquent accounts. Councilor Bove questioned the lien process on in-state delinquencies. S. Hickey will have to look into it as an option. Chairman Paradis asked what is the average debt; S. Hickey responded average ambulance ride is \$581.78, additional charges for meds and services. Councilor Oswald asked if we can garnish wages. Town Manager Caron will contact counsel about liens and garnishment of wages. Consensus is to send to credit bureau for collection. Town Manager Caron stated he will return at the 10/1 meeting with an Ordinance for the Council's consideration.**

- H. Resolution #2007-31 Relative to the Bartley Hill/Mammoth/Litchfield

Intersection – Councilor Bove read the first reading, second waived motion to adopt. Second by Councilor Wagner for discussion. Councilor Wagner asked why the cost has gone up. Town Manager said due to design delays and construction cost inflation. Project will be advertised 3/25/08; construction will begin in 08 and be finished in 09. Discussion ensued about if the State will stick to their schedule. Councilor Wagner asked A. Garron what the plans would be to re-route traffic during construction. He responded they have a plan to get people in and around the project. Council’s vote 3-0-0.

#### APPROVAL OF MINUTES

Councilor Wagner made a motion to accept the minutes of the Council’s July 12, 2007 Public Meeting. Second Councilor Oswald. Council’s vote 5-0-0.

Councilor Bove made a motion to accept the minutes of 8/9/07 Second by Councilor Wagner. Council’s vote 2-0-2, with /councilors Paradis and Oswald abstaining.

#### OTHER BUSINESS

- A. Liaison Reports Councilor Oswald stated that Leadership Londonderry starts this Thursday with 16 members for their 4<sup>th</sup> year. Conservation Commission met 2 times, design review on a couple of projects. Discussion of possible easement purchases through Open Space. Councilor Wagner questioned Town Forrest and expansion of Common. Town Manager Caron and he will meet with the forester this week

Councilor Wagner said the Planning Board has been very lively, lots of people attended. Budget Committee was very focused on the school. Change of venue was discussed, moved on to be discussed with Council. Old Home Day had about 17,000 people attend, event still growing. Next meeting is in October and the Committee is still looking for volunteers

Councilor Bove said signs went out for bid for “Welcome To Londonderry”; don’t have results quite yet. Attended last School Board meetings, had annual visits to different schools, lots of questions asked; discussed use of portable classrooms. He brought up the issue that the FCC is allowing local access cable studios to negotiate their own contracts. FCC being sued. He directed the Town Manager to draft a letter to FCC, congressmen, and senators. This would allow companies to do away with the access fees. Per our franchise agreement, Comcast owes the Town another station, but is refusing to allocate it to the Town. Cable service funded by access fees. He did an interview with the Attorney General dealing with internet crimes on children. Did a booklet about it, advised parents to watch it.

Chairman Paradis said Senior Affairs has started up again. Attended Heritage. LIEC announced tonight that the Russian dancers are coming to town. Exit 4A meting held in Derry last week. Exit will go near Derry PD. \$23-30M is cost. Derry and Londonderry have contributed \$5K each. Looking for creative ways to obtain more money. About 6 houses being

taken are in Londonderry, many homeowners in attendance. Many years away, will benefit Derry and will impact Londonderry.

- B. Town Manager's Report – The Town is in the process of removing all buried debris from the old junkyard on Sanborn Road, which the Town acquired by tax deed. The project is funded through the Expendable Maintenance Trust, although the Town did save about \$11,000 by receiving replacement fill from the Exit 5 project.

The Town received 34 resumes for fire chief position, which are currently being reviewed by MRI. Will be scheduling interview dates shortly.

The FY09 budget is due to the ATM-F&A today. Presentations to the Town Council will begin on 10//22.

The Town has been notified by DRA regarding the citizens petition to use open space funds for N/W fire station. DRA has concurred with the opinion of the Town Attorney that the petition is illegal and the appropriation would most likely be disallowed if approved by the voters. Based on recommendations of Town Council and the municipal association the Town will still be filing a petition in Superior Court and that will be filed shortly.

- C. Board/Committee Appointments/Reappointments/Resignations

## ADJOURNMENT

Councilor Kathy made a motion to adjourn at 10:45 PM. Second Councilor Oswald . Council's vote 4-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>09/17/077</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>09/21/07</u>
Approved:	<u>Town Council</u>	Date: