

**TOWN COUNCIL
AGENDA
October 15, 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 – PUBLIC SESSION
- 7:01 PM II PUBLIC HEARING
- A. Ordinance #2007-09 – Relative to an Amendment to the Municipal Code Title VI, Chapter XIII, Ambulance Fees and the Collection Thereof.
- 7:15 PM III. PUBLIC COMMENT
- A. Richard Bielinski, Gerard Adams
- 7:30 PM IV. OLD BUSINESS
- A. Order #2007-16 – Relative to an Expenditure of Recreation Impact Fees for Project P.L.A.Y.
- B. Determination of Town Meeting Time/Location
- C. Manpower and Succession Planning Report – Fort Wayne Program
- D. Code of Ethics
- 8:30 PM V. NEW BUSINESS
- A. Resolution #2007-33 - Relative to a Process for Reviewing Staffing Levels
- B. Ordinance #2007-10 – Relative to Citizens’ Petition to Rezone Land on Perkins Road
- C. Ordinance #2007-11 – Relative to Revisions to the Zoning Ordinance
- D. Disposal of NHDOT Property – Rte. 102
- 8:45 PM VI. APPROVAL OF MINUTES

- A. Minutes of the Council's October 1, 2007 Public & Non-Public Meeting

8:50 PM

VII. OTHER BUSINESS

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

Appointments/Reappointments/Resignations

1. Re-Appointment of George Herrmann as an Alternate to the Conservation Commission, three year term to expire on 12/31/10.

9:00 PM

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council, October 22, 2007 @ 7:00 PM, Moose Hill Council Chambers – FY 09 Budget Presentation
- B. Town Council, October 25, 2007 @ 7:00 PM, Moose Hill Council Chambers – FY 09 Budget Workshop
- C. Town Council, October 29, 2007 @ 7:00 PM, Moose Hill Council Chambers – FY 09 Budget Workshop
- D. Town Council, Sat., November 3, 2007 @ 9:00 AM, Moose Hill Council Chambers – FY 09 Budget Workshop
- E. Town Council, November 5, 2007 @ 7:00 PM, Moose Hill Council Chambers

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

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

Meg Seymour

Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
xx/xx/xx

ORDER 2007-16

An Order Relative to
***AN AUTHORIZATION TO EXPEND RECREATION IMPACT FEES
TO CONSTRUCT A PLAYGROUND AT NELSON FIELD***

First Reading: 10/15/07
Second Reading: xx/xx/xx
Adopted: xx/xx/xx

WHEREAS The 2004 Master Plan and Recreation Facilities Planning Committee have identified the need for additional playground equipment; and

WHEREAS Project P.L.A.Y., a local community group, has begun the process of raising funds to construct a playground at Nelson Field; and

WHEREAS The Recreation Commission recommends partnering with Project P.L.A.Y. to construct such a facility; and

WHEREAS The Town assesses recreation impact fees to defray the costs of meeting increased demand on its recreation facilities occasioned by additional development;

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed and authorized to expend a sum not to exceed \$125,000.00 from the Recreation Impact Fee Account for purposes set forth herein, and the Town Manager is hereby authorized to execute all necessary documents to complete the project.

Joseph Paradis - Chairman
Town Council

(TOWN
SEAL)

Marguerite A. Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:

xx/xx/xx

Introduced: 10/15/07
Second Read/Pub Hrg: 11/05/07
Adopted: xx/xx/xx

ORDINANCE 2007-10
*AN AMENDMENT TO THE ZONING
ORDINANCE
RELATING TO A REQUEST TO REZONE
MAP 16, LOTS 1, 2 & 3*

WHEREAS the Town Council has received a Citizens' Petition to rezone Map 16, Lots 1, 2 & 3 from AR-1 to a mix of C-II & R-III; and

WHEREAS the Planning Board has reviewed the request and recommended that the Petition be denied;

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 16, Lots 1, 2 & 3 from AR-1 to a mix of C-II & R-III, to become effective upon passage by the Town Council.

Joseph Paradis
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
xx/xx/xx

Town Seal

Introduced: 10/15/07
Second Read/Pub Hrg: 11/05/07
Adopted: xx/xx/xx

ORDINANCE 2007-11
AN AMENDMENT RELATING TO REVISIONS
TO THE ZONING ORDINANCE

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 amendments to Sections 5.1 and 5.2 to reflect changes to the State Building Code; 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 5.1 and 5.2, as recommended by the Planning Board.

Joseph Paradis
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
xx/xx/xx

Town Seal

TOWN COUNCIL MEETING
October 1, 2007

The Town Council meeting will be 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.

CALL TO ORDER

Chairman Paradis opened the meeting at 7:11 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 go into Public Hearing. Second by Councilor Wagner. Councils' vote 5-0-0

- A. Ordinance #2007-07 – Relative to Re-Zoning Map 6, Lot 31 - Ken Rhodes of CLD Consultants, Adam Wagner from Cube 3 Studios and Mr. Richard Anagnost were in attendance to support the rezoning of Map 6, Lot 31 from C-1 to C-111 and remove the parcel from Rte. 102 POD. This is an expansion of the Elliot Medical facility on Buttrick Road. Tim Thompson, Town Planner stated the Planning Board (PB) recommends the rezoning, it is consistent with the Master Plan and the C-III District purposes and permitted uses match those allowed in the POD. The Board recommended a condition “that the rezoning not become effective until final approval of a site plan for the parcel which is consistent with the design presented conceptually to the PB on July 11, 2007 and again during the rezoning hearing on August 8, 2007.” The proposed development would be approximately 50-60,000 square feet of new medical office building. Hearing no further comment, Councilor Farmer made a motion to accept the Ordinance. Second Councilor Oswald. Councils vote 5-0-0.
- B. Ordinance #2007-08 – Relative to Revisions to Vehicle Access & Parking, and Sign Sections of the Zoning Ordinance. Tim Thompson, Town Planner explained the biggest change is increasing the flexibility of the parking requirements to conditional use permits and inclusion of bicycle parking standards where the PB deems applicable This was a coordinated effort on

the part of the 2006 intern, Eric Dyer. Significant changes to the Ordinance occur in Section 3.10.10, a new parking requirement use table. Tables were updated to include all of the uses that are in the permitted use table in zoning ordinance. Parking requirements were updated to modern standards. Section 3.10.11 is the flexibility in Off-Street parking and Loading Standards; it establishes PB flexibility through condition use permits, which hopefully will reduce the burden on the ZBA for parking variances. Alternative parking standards had addition to compact parking spaces, shared, future parking, transportation mitigation plans and alternative transportation. Added a section on paving materials. Bicycle parking stands establishes space requirements where they are located and defined appropriate bike structures. Chairman Paradis asked what standard was used for the bike parking regulations, T. Thompson responded it was a mix of standards throughout state as well as nation-wide publications put together by the American Planning Association. Eric Dyer spent a lot of time with alternatives that would be appropriate for Londonderry.

Signs – The Section was completely re-written, added additional requirements for signs that are not currently addressed, improved the performance standards as well as content neutrality. Eric Dyer, the 2006 intern also completed the signs changes. Significant changes were in the measurement and calculation of the area of signs. Limit of free standing signs to 10 ft. height in all districts. The changes also clarify which signs don’t require permits, and which signs are prohibited in all districts. Eliminated the local language relative to political signage and referenced state statutes. Residential and agricultural uses updated, included signs for sub-division or condo development, home occupations agricultural, and seasonal agricultural. Commercial district changes include lots that have frontage on two roadways and are multi-tenant, there are some standards that allow for a second free standing sign as long as the requirements are met. Multi-tenant buildings will be allowed up to 40 sq. ft. per tenant. Open to public, no comments offered. Councilor Farmer made a motion to adopt. Second Councilor Bove. Councils vote 5-0-0.

Councilor Bove made a motion to close public hearing. Second by Councilor Farmer. Vote 5-0-0.

PUBLIC COMMENT

- A. Project P.L.A.Y. – Lara McIntyre – Use of Impact Fees Art Psaledas, Recreation Dept. and Lara McIntyre, Chair of Project Chair were in attendance. L. McIntyre explained she was here to discuss the possibility of using impact fees for construction of the playground. During the past year they raised approximately \$38,000, and started a corporate campaign to invest in the playground. Had “Touch a Truck” events and attended numerous events in Town including attending Old Home Day, soccer, and football registrations, etc. A. Psaledas said L. McIntyre attended their last meeting and Recreation Commission understands difficulty with raising all

funds needed for playground. Impact fees were suggested to be used to buy the structure only, with other responsibilities being completed by the group. L. McIntyre said corporations want to know if town is backing them, and expects additional donations once the Town commits to the project. Town Manager Caron asked A. Psaledas to look into the Recreation Master Plan established in 2003 and see what remains to be accomplished. The Town collects about \$6-8,000 a month in impact fees. If the Town applies all the funds that are in the Recreation Department's budget; other items may not be funded. A. Psaledas responded there are no "big ticket" items on the horizon. Councilor Wagner questioned if the \$115,000 requested would be for equipment only. A. Psaledas replied it is \$115,000 for equipment, does not include demolition and sub-surface work. Councilor Wagner stated that all impact fees will be substantially wiped out. A. Psaledas said he would like to speak with the Recreation Commission about the 2003 list before making a final commitment to exhaust the impact fees. Councilor Bove would like to see priorities on 2003 list provided and update the list. Discussion ensued about what items were done and what were not. Chairman Paradis asked what the additional expense will be for labor. L. McIntyre said it would be a community build. Councilor Bove asked for clarification on the fee of \$10,000 for demolition. A. Psaledas said it would be wood and plastic, and fees are being paid to dump the material. Substructure has to be solid. Councilor Farmer said he would recommend that the Council go with the Town Manager's recommendation to postpone a decision until next Council meeting so that the Recreation Commission can review and update the 2003 list .

Dottie Grover – Town Meeting Venue Dottie Grover provided a spreadsheet indicating various school locations, the rooms in the school that can be used, the capacities, parking facilities, internal costs, contracted costs with audio and video and contract audio only. The least cost is at the Londonderry High School (LHS) cafeteria. It has a chair capacity of 1043, option of overflow crowds there as well. Councilor Wagner asked what the costs would be for gym. D. Grover said not practical, costly, all equipment would have to be protected in gym, not good shots with cage around camera and audio issues. Discussion ensued about the maximum capacity of 1043, at the High School Cafeteria and cost of additional rental chairs. Councilor Wagner questioned offering baby sitting; Councilor Bove stated it could not be offered due to state regulations. Councilor Farmer suggested making this decision closer to Town Meeting so people can understand why this decision was made. Town Manager Caron stated the decision should be made sooner than later because the Town would have to make a request to the School Board for use of facilities. Consensus of the Council was to make a final decision at the next meeting

Nate Greenberg, Superintendent of Schools complimented the Londonderry Police Department (LPD) about their handling of a recent incident of lewd behavior at the Middle School. He mentioned specifically Chief Joe Ryan, Capt. Bill Hart, SRO Officers, Chris Childs, Adam Lane and Ed Warner, Det. Adam

Dwyer and Officer Malloy. He wanted to publicly commended them, gratefully appreciated what they did. He commented that the schools work well with the Police Dept, and the Town Manager and he appreciates their support.

Reed Paige Clark III, Stonehenge Rd said old gym has handled 1000 people in the past. He announced the Russian ballroom dance team and their interpreters will arrive in Boston Friday and they will be at Town Hall Friday at 10:00 AM for a presentation ceremony. He asked all the Councilors to be in attendance if they can.. Saturday at 6:00 PM they will be at the Arthur Murray Dance Studio in Manchester. He requested someone from the Access Center tape the ceremony and D. Grover said she would send one of her staff to video the ceremony.

Gerard Adams, 64 Hall Rd. asked if Mr. Dudeck's conditions were still in effect. He said that trailer trucks have removed junk cars from the property during regular business hours. If they can do that during normal business hours why is there a need of a condition to move them at 7:00 AM. Town Manager said it was part of the agreement, and the Council can revisit this condition at the next license renewal process. It is the Town's intention that the 7:00 AM opening is for the purpose of transporting vehicles 5-7 consecutive days; vehicles cannot be crushed until 8:00 AM. If Mr. Dudek does not adhere to agreement he will be in violation.

OLD BUSINESS

- A. Manpower and Succession Planning Report - Councilor Farmer asked Town Manager Caron if there is a timeframe for the proposed Staffing Replacement Resolution. He responded he can put it on the agenda for the next meeting. Councilor Farmer stated that justifications for never reducing were listed a lot in the Manpower and Succession Plan. He would like to see results if we do reduce, what will the impact be. He used the Building Department as an example saying that a substantial amount of work done in that department was on phone calls. He spoke about the possibility of staff attending a course in Fort Wayne Indiana that would teach how to reduce work loads, streamline some jobs in Town Hall. He stated that the Town has held the line on staffing for the past few years, but the Town has more work to do. Councilor Farmer also said that he thought some people in the community have this training, have them come back with ideas. He suggested that Town Manager or Staff go to City of Fort Wayne attend the one day class and come back with suggestions. Councilor Bove asked if it was something that the Local Government Center (LGC) has looked at. Councilor Farmer said he saw nothing at LGC if it works out it could become a model for other towns. Town Manager Caron said he will research the program for the next meeting.

NEW BUSINESS

- A. Order 2007-15 – Relative to Expenditure from the Maintenance Trust for

Recreation Purposes. - Councilor Oswald read the first reading, second reading waived made a motion to adopt. Councilor Bove second the motion.. Councilor Bove asked Town Manager Caron to explain why impact fees could not be used for this expenditure. He responded impact fees are used to finance facilities to expand services occasioned by increased development; trust funds are for improvements and maintenance items. Art Psaledas explained they have had a lot of problems fixing clogged sprinklers, and this investment will make it a lot less labor intensive. Council's vote 5-0-0..

- B. Ordinance #2007-09 – Relative at an Amendment to the Municipal Code Title VI, Chapter XIII, Ambulance Fees and the Collection Thereof. Councilor Oswald read the first reading, public hearing scheduled for 10/15. Councilor Bove made a motion to move the Ordinance to a public hearing on 10/15/07; Second by Councilor Oswald. Councilor Oswald asked Susan Hickey if she could find out what is going on with other communities, Derry, Salem, Hooksett, Windham, up the I-93 corridor. S. Hickey said she did check into garnishing wages; it was allowed, and Town Manager Caron explained the legal costs would outweigh the fees which would be recovered. Councilor Oswald asked S. Hickey to find out what is our burden of calls. Councilor Bove asked what was burden from MHT. S. Hickey responded town wide EMS calls were 1824, 260 were MHT. Of the 260 calls only 84 were transported. Councilor Wagner questioned if we were billed for the calls, Town Manager Caron responded we only bill when we transport. Councilor Bove asked how many of the uncollectible bills that comprised the \$245K were out of state and in state. S. Hickey responded she would find out. Councilor Wagner questioned if we use the collection agency will the individual's social security show up in the credit report.. S. Hickey responded that the Town has two options, use a collection agency or report bad debts to credit bureau. With both options we can state what we want reported to credit bureau and credit agency. Councilor Oswald suggested we explore use of credit cards and do we have payment schedules set up. S. Hickey responded that Comstar takes credit cards and will arrange payments schedules. Councilor Wagner asked what Comstar's fee is. Town Manager responded 7% of what is collected. Collection agency has a 3% rate of success and charges 30% to collect.

APPROVAL OF MINUTES

- A. Councilor Farmer noted a mistake on line 7, delete Brian Farmer in attendance and correct spelling error of his name on line 9. Councilor Oswald made a correction on line 268, amount should be \$5M not \$5K, line 238 the vote should read 4-0-0 not 5-0-0 vote. Councilor Oswald made a motion to accept with corrections. Second by Councilor Oswald. Councils vote 4-0-1, with Councilor Farmer abstaining.

OTHER BUSINESS

- A. Liaison Reports

Councilor Farmer said he attended the Recreation Commission meeting and heard tonight most of the topic that was covered that night regarding Project Play. The Commission is still dealing with continuing disagreements with conducts and disputes with two organizations. Appropriate for the two groups in dispute to come to Council in a round table forum in a non-public session. Councilor Bove asked if it would be a non public session. Town Manager Caron responded he would need more information but it might qualify. Councilor Wagner requested that the Town Manager verify it meets the requirements for a non-public meeting.

Councilor Bove attended school meeting, and a presentation on special education space needs. The School Department justified what they need and why. Housing Taskforce meetings are very informative, recent topic dealt with affordable housing, do we have housing people can come into town and rent. Important to look at our ordinances, our needs have changed over time, Town's needs are constantly changing. Another idea was to get a workshop going with land owners near MHT about getting rental units in area and low cost housing. Lack of workforce housing is a problem in the state. The Taskforce is working on a report of salaries and housing statistics in town. Town Manager Caron stated that when Planning Department Director Andre Garron organized a design charrette in 2003 or 2004, residential housing were planned next to MHT but removed due to Airport noise levels. Councilor Bove said Auburn Road would be an area for affordable housing. Also having a real housing authority like Manchester would be another good idea.. Lots of things we need to look at in report. Councilor Oswald asked when the report would be available, he responded at this point he does not have a definite time frame.

Councilor Wagner attended the Budget Committee meeting they talked about reducing departments and consolidation.

Councilor Oswald attended Traffic Safety Committee held earlier tonight, town wide speed limit on Buttrick Rd. and fog lines were discussed. Leadership Londonderry had their first meeting with 16 new members, next meeting on 10/18. Conservation Commission met did design review on two properties and one session in non-public to discuss Open Space. Attended two open houses, Harvey Industries and new Elliot Urgent Care facility.

Chairman Paradis met with the Londonderry International Exchange Committee and they are gearing up for the arrival of the Russian Ballroom Couple who will be arriving on 10/4. On 10/5 at 10:00AM they will attend a ceremony at town Hall. Heritage Commission is reviewing Historic Properties Taskforce report, will have a workshop to talk to owners of the properties to update them.

Councilor Bove asked that the Ethics Committee issue be brought up again on 8/15/07

B. Town Manager's Report

Town Manager Caron established 10/25 as the interview day for the position of Fire Chief. Goal is to interview 5-7 and then he will interview the top 1-3 candidates the following day. Town Council is invited to be involved in the process. Once his recommendation is made to Council they will interview the finalist. The interview process will consist of 3 panels; community panel, consisting of citizens; employee panel consisting of fire department employees and other department heads; and a professional panel consisting of town managers and fire chiefs. At the end of the process all three panels will share their general observations. Councilor Farmer requested that Town Manager Caron give the Council a briefing of how he rated the candidates. Councilor Wagner asked who was sitting on each panel. He responded that MRI was to staff the professional panel, labor negotiator Bill Wardwell will be sitting on that panel. Steve Young, John Farrell, Cindi Conley and George Herrmann, have all volunteered.

The Town did file a petition with Superior Court regarding the petition to use Open Space Funds to construct North/West Fire Station; the petitioners have until 12/6 to respond. Hopefully, the Court will render a decision soon after.

ADJOURNMENT

Councilor Farmer made a motion to adjourn at 8:55 PM Second Councilor Bove. Councils vote 5-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>10/01/07</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>10/03/07</u>
Approved:	<u>Town Council</u>	Date: