

**TOWN COUNCIL  
AGENDA  
May 05, 2008**

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 #2008-05 – Relative to the Rezoning of Map 15, Lot 96, Clark and Jacks Bridge Road.
- B. Ordinance #2008-06 – Relative to Amendments to the Zoning Ordinance Regarding Temporary Structures and Minimum Lot Sizes.
- C. Ordinance #2008-07 – Relative to an Amendment to the Municipal Code, Title V, Reorganization of Department
- 8:00 PM            III    PUBLIC COMMENT
- A. Proclamation “Building Safety Week” – May 5 – May 11 -Richard Canuel
- B. Chief Joe Ryan – “Police Week” – Officer of the Year Award and Other Awards and Recognitions.
- C. Inventioneers’ Presentation
- 8:45 PM            IV.    OLD BUSINESS
- A. Operating Conditions – Murray’s Auto Recycling
- B. FY 09 Goals and Objectives
- 9:00 PM            V.     NEW BUSINESS
- A. Police Communications
- B. Order #2008-12 – Relative to the Purchase of Conservation Land
- C. Workshop – Code Enforcement
- 10:15 PM          VI.    APPROVAL OF MINUTES
- A. Minutes of the Council’s April 21, 2008 Public and Non-Public Meeting.

10:20 PM

VII. OTHER BUSINESS

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

10:30 PM

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Londonderry Housing Task Force Report Meeting,  
May 12, 2008, Moose Hill Council Chambers,  
Town Hall, 7:30 PM
- B. Town Council Meeting, May 19, 2008, Moose Hill  
Council Chambers, Town Hall, 7:00 PM

Introduced: 4/21/08  
Second Read/Pub Hrg: 5/05/08  
Adopted: xx/xx/xx

**ORDINANCE 2008-05**  
*AN AMENDMENT TO THE ZONING  
ORDINANCE  
RELATING TO REZONING MAP 15, LOT 96,  
CLARK AND JACKS BRIDGE ROAD*

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*WHEREAS* the Planning Board has received a request to rezone the above-referenced parcels from AR-I to I-I; 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 15, Lot 96 from AR-I to I-I, to become effective upon passage by the Town Council and subject to the following conditions:

Final approval by the Planning Board of the subdivision of the lot into 2 lots and the site plan for the industrial use of the new lot are approved by the Planning Board.

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Marty Bove  
Chairman - Londonderry Town Council

*A TRUE COPY ATTEST:*

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*Marguerite Seymour - Town Clerk*  
xx/xx/xx

*Town Seal*

Introduced: 4/21/08  
Second Read/Pub Hrg: 5/05/08  
Adopted: x/xx/xx

**ORDINANCE 2008-06**  
*RELATING TO AMENDMENTS TO THE  
ZONING ORDINANCE REGARDING  
TEMPORARY STRUCTURES AND MINIMUM  
LOT SIZES*

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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* changes in state statues and standards promulgated by professional organizations result in conflicts with provisions in the Town's existing ordinance; and

*WHEREAS* the Planning Board has recommended that the Town Council act favorably upon proposed amendments to resolve these conflicts;

*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 2.3.1.2.2 which revises the time period one is allowed to occupy a temporary manufactured housing unit on a lot while replacing a primary structure due to fire damage (consistent with RSA 674:32 II) and Section 2.3.1.3.1, Table 2 (Minimum Lot Size), to be consistent with the updated soil-based lot sizing standards of the Society of Soil Scientists of Northern New England.

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Marty Bove  
Chairman - Londonderry Town Council

*A TRUE COPY ATTEST:*

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*Marguerite Seymour - Town Clerk*  
x/xx/08

*Town Seal*

Introduced: 04/21/08  
Second Read/Public Hrg.: 05/05/08  
Adopted: xx/xx/xx

**ORDINANCE 2008-07**  
*AN AMENDMENT TO THE MUNICIPAL CODE*  
*Title V-Administrative Code, Chapter I-Legal Basis and*  
*Departmental Organization, Section II - Municipal*  
*Departments*

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*WHEREAS* the Charter of the Town of Londonderry was formally adopted at the Annual Town Meeting held on March 12, 1996; and,

*WHEREAS* said Charter became effective as of July 1, 1996; and,

*WHEREAS* Section 4.9, subsection B of said Charter provides that the Town Council is authorized to amend the Administrative Code to create, consolidate or abolish departments or agencies and define or alter their function and duties; and,

*WHEREAS* the needs of the municipal organization would be served more efficiently by reorganizing several departments, and,

*WHEREAS* an opportunity exists to promote maximum utilization of resources currently provided by the taxpayers by reorganizing the Building/Health/Zoning Department with the Planning and Economic Development Department, thereby enhancing the services to the taxpayers and organizational efficiencies,

*NOW THEREFORE BE IT ORDAINED* by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title V - Administrative Code, Chapter I - Legal Basis and Departmental Organization, Section II Municipal Departments, is amended as hereto attached.

Marty Bove - Chairman  
Town Council

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Meg Seymour  
Town Clerk

(TOWN SEAL)

*A TRUE COPY ATTEST:*

*x/xx/xx4*

**CHAPTER I - LEGAL BASIS AND DEPARTMENTAL ORGANIZATION**

**SECTION I LEGAL BASIS**

A.

This Administrative Code is established in accordance with the provisions of the Londonderry Town Charter.

**SECTION II ADMINISTRATIVE DEPARTMENTS**

A. A department shall be a legal subdivision of the Town government usually performing a variety of inter-related functions with multiple staff positions.

B. A departmental division shall have a single primary function.

C. The administrative services of the Town shall consist of the following groups, and departments. Groups and departments may be divided into divisions or bureaus as provided herein or as provided by the Town Charter.

Group/.Department/Division

Department/Division Head

**I. Administration**

**Town Manager**

**II. Community  
Town Manager  
Services Group**

**a. Divisions:**

Cable  
Recreation  
Family Mediation

Cable Coordinator  
Recreation Director  
Fam.Med. Coordinator  
Senior Affairs  
Senior Affairs  
Coordinator

**III.**

**Finance & Administration Group  
Asst. Town Manager, Finance  
& Admin.**

**a. Divisions:**

MIS  
Finance  
Town Clk/Tax Collector  
Assessing  
Treasury

MIS Director  
Asst. Town Mgr./Fin. & Admin.  
Town Clerk/Tax Collector  
Assessor  
Treasurer

*Londonderry Municipal Code*  
*Title V - Administrative Code*

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*Revised 7/14/03, 2/09/04, 4/21/08*

	General
Assistance	Asst. Twn.
Mgr./Fin. & Adm.	
	Human Resources
	Asst. Twn. Mgr./Fin. &
Adm	

**CHAPTER I - LEGAL BASIS AND DEPARTMENTAL ORGANIZATION (Cont'd)**

**SECTION II ADMINISTRATIVE DEPARTMENTS (Cont'd)**

C. The administrative services of the Town shall consist of the following groups and departments: (Cont'd)

	<u>Group/Department/Division</u>	<u>Department Head</u>
4.	<del>Building/Health/Zoning</del>	<del>Building Inspector</del>
IV.		<del>Planning Community Development/Economic Development Planning/Econ.Dev. &amp; Comm. Development</del> Director
a.	<b>Divisions:</b> Planning Economic Development Conservation Land Mgt GIS <i>Building/Health/Zoning</i>	
V.	<b>Public Works Department</b>	<b>Public Works Director</b>
a.	<b>Divisions:</b> Solid Waste/Recycling Sewer/Water Engineering Highway/Bridges	Solid Waste Coordinator Sewer Supt'd Town Engineer Highway Foreman
VI.	<b>Fire &amp; Rescue Department</b>	<b>Fire Chief</b>
a.	<b>Divisions:</b> Code Enforcement Emergency Medical Svcs. Operations Public Education	
VII.	<b>Police Department</b>	<b>Police Chief</b>
a.	<b>Divisions:</b> Operations Division Support Services Division	
VIII.	<i>Leach Library</i>	<i>Library Trustees</i>

**CHAPTER I - LEGAL BASIS AND DEPARTMENTAL ORGANIZATION (Cont'd)**

**SECTION III POWERS AND DUTIES OF DEPARTMENT HEADS**

- A. Each department head shall be responsible for the efficient operation of their department. They shall perform all the duties and exercise all the powers conferred upon their office by applicable laws, ordinances and resolutions.
- B. Department heads may prescribe departmental rules and regulations not inconsistent with general law, the Town Charter, this Administration Code, and the provisions of the Personnel Policy for the administration of their various departments, conduct of their employees, and the proper performance of the department's business.
- C. Department heads, with the approval of the Manager and by Council amendment to the Administrative Code, may establish such departmental divisions, bureaus or other sub-units as may be deemed desirable in the interest of economy and efficiency and in accordance with sound administrative principals and practices.
- D. Each department head shall be responsible for maintaining the operation of their department on a close and friendly basis of cooperation with all other departments and with the public.
- E. Each department head shall be responsible for satisfactory maintenance and care of all Town property and buildings assigned to their department.
- F. Each department head shall be responsible for preparing and submitting both routine and special reports on the operation of their department to the Manager, Town Council, or to any State or Federal Agency as required.
- G. At such time as may be requested by the Manager, each department head shall submit an itemized estimate of the expenditures for the next fiscal year for their department for use in preparation of the proposed budget for said year, including planned expenditures for Capital Improvements.
- H. Each department head shall be responsible for following the provisions of this Administrative Code and Town Policy in establishing a purchasing and control system with respect to purchases and contracts for his/her department.
- I. Each department head shall be responsible for management of divisional functions within that department.



**CHAPTER II - MUNICIPAL DEPARTMENTS**

**SECTION I           ADMINISTRATION**

**A.                           Town Manager Responsibilities**

1.                   The Manager shall be the administrative head of the Town, and shall perform all the duties and have all the responsibilities prescribed by the Londonderry Town Charter, and all Orders, Ordinances and Resolutions.

2.                   The Manager shall supervise all department heads and Administrative Departments as established by this Code (*except the Library Director, who pursuant to State Statute reports to the Board of Library Trustees*). *The Manager* shall have the power to suspend and discipline and perform or delegate the duties and responsibilities of such department heads.

3.                   The Manager may prescribe such rules and regulations not inconsistent with the Town Charter and Town Ordinances as he or she may deem necessary for the conduct of the various departments, and he or she may investigate and inquire into the affairs of any department at any time.

4.                   The Town Manager, or such person appointed by the Town Manager  
as Personnel Director, shall perform all personnel functions as described in the Town Charter, Town Ordinances and the Personnel Policy.

5.                   The Town Manager shall, annually, make a “State of the Town Address” at the Annual Town Meeting.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION II COMMUNITY SERVICES GROUP**

- A. Community Services Group** - The **Community Services** Group shall be under the supervision of the **Town Manager**.
- B.** The Town Manager shall manage the functions of the following divisions:
1. **Recreation Division** - The Recreation Division is under the supervision of the **Recreation Director** appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff in accordance with Chapter I, Section V.A - Department Staffs. The Recreation Director shall perform the following functions:
    - a. Develop a general recreational program for the Town.
    - b. Coordinate and oversee all the recreational activities on Town parks, playgrounds, swimming pools, beaches, tennis courts, ski areas and all other recreational facilities, including buildings.
    - c. Prepare and maintain all records pertaining to the Recreation Department
    - d. Coordinate and cooperate with private groups as well as with public officials in the development and promotion of recreational activities in the Town.
    - e. Cooperate and coordinate with the School Superintendent and Highway Department to develop, maintain, and care for all municipal and recreational buildings, parks, playgrounds, athletic fields and other recreational areas and all other departments of the Town.
    - f. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION II - COMMUNITY SERVICES GROUP**

**B.** The Town Manager shall manage the functions of the following divisions:  
(Cont'd)

3. 2. **Library Division** The Library Division shall consist of the **Librarian** and professional and clerical staff, and shall consist of the subdivisions of Cataloging, Reference, Circulation, Young People and Children. The Librarian and other Library staff shall be nominated and approved by the **Library Trustees** and shall perform the following functions:

a. Select and procure books, magazines, periodicals and other materials for use by residents.

b. Catalog, classify and circulate for home use all such material.

c. Provide a reference service for answering requests for specific information.

d. Promote the availability of the library material to stimulate a wider general interest in its use.

e. Promote special reading services for children and young people to aid in the development of desirable reading habits.

f. Prepare and maintain all records pertaining to the Library Department.

g. Coordinate with School District for provision of Library Services.

h. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION II COMMUNITY SERVICES GROUP**

**B.** The Town Manager shall manage the functions of the following divisions:  
(Cont'd)

**2.3. Cable Division** - The Cable Division shall be under the supervision of the **Cable Coordinator** who is appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff appointed in accordance with Chapter I, Section V.A - Department Staffs. The Cable Coordinator shall perform the following functions:

a. Oversee all cable related services and relevant technologies for the Town, including contract compliance issues and resolution of subscriber complaints

b. Manage the Londonderry Access Center (LAC) to maximize the community's ability to produce PEG access programming. This includes assuring that all users are properly supervised and trained and that policies for use are up to date and applied uniformly.

c. Provide for the maintenance of the institutional network (I-Loop) and coordinate its usage to ensure compatible endeavors.

d. Prepare reports as required to keep the Town Manager apprised of emerging technologies

e. Work cooperatively with the Town Departments, School District, OVS (Other Video Services), the Town's other agencies and cable provider(s) to ensure the optimum use of available communications resources.

f. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION II**

**COMMUNITY SERVICES GROUP**

3. 4. Senior Affairs Division - The Division shall be under the supervision of the Senior Affairs Coordinator who is appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff appointed in accordance with Chapter I, Section V.A - Department Staffs. The Senior Affairs Coordinator shall perform the following functions: Develop, plan and implement programs and services for the Community's elder population.

1. Develop, plan and implement programs and services for the Community's elder population
2. Manage the Mayflower Grange to maximize the use of the facility as a community resource.
3. Identify services provided by others which would be of assistance to the Town's elder population.
4. Prepare Reports as required to keep the Town Manager apprized of emerging elder services
5. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION III FINANCE AND ADMINISTRATION GROUP**

A. The **FINANCE AND ADMINISTRATION** Group shall be headed by an **Asst. Town Manager/Finance and Administration** in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff in accordance with Chapter I, Section V.A - Department Staffs.

B. The Asst. Town Manager/Finance and Administration shall manage the functions of the following divisions:

1. **Finance Division:** The Finance Division shall be managed by the Asst. Town Manager/Finance and Administration in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff in accordance with Chapter I, Section V.A-Department Staffs. The Asst. Town Manager/Finance and Administration shall perform the following duties:

- a. Pre-audit all receipts and process all authorized claims against the Town before authorizing payment thereof.
- b. Post-audit all receipts and disbursements.
  - c. Maintain the general financial accounts of the Town and exercise accounting control.
  - d. Prepare financial reports as required by the Manager and Town Council
  - e. Negotiate, upon the authorization of the Manager and Town Council, all loans of whatever term.
  - f. Maintain custody of all insurance policies of the Town.
  - g. Supervise and control the operation of all financial data processing functions and its records.
  - h. Maintain all Town employees earnings records, including records of all deductions from earnings for retirement, social security, medical/health coverages, savings plans, and any other related materials, and maintain all Town employees payroll action forms, vacation and sick leave records.
- i. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION III FINANCE AND ADMINISTRATION (Cont'd)**

B. The Asst. Town Manager/Finance and Administration shall manage..... (Cont'd)

2. **Assessing Division** - The Assessing Division shall consist of an **Assessor** appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff appointed in accordance with Chapter I, Section V.A - Department Staffs. The Assessor shall perform the following functions:

- a. Carry out all the duties relative to taking the inventory and the appraisal of property for taxation, and in regard to the assessment and abatement of taxes and issuing warrants for the collection of taxes, as are now or may hereafter be required by law of Assessors of Towns.
- b. Prepare all assessment and tax rolls and tax notices as required by law.
- c. Check all property transfers and maintain all property records.
- d. Prepare and maintain all assessment record cards, filing systems, and all other records of the department.
- e. Make regular and frequent checks of the Town to assure all taxable property is being accurately reported.
- f. Prepare and maintain all tax maps.
- g. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION III FINANCE AND ADMINISTRATION (Cont'd)**

B. The Asst. Town Manager/Finance and Administration shall manage..... (Cont'd)

3. **Town Clerk/Tax Collector** - The Town Clerk/Tax Collector is an elected position pursuant to the Laws of the State of NH, bonded as required by Statute and shall include such clerical staff appointed in accordance with Chapter I, Section V.A - Department Staffs. The Town Clerk/Tax Collector shall perform the following functions:

- a. Serve as Keeper of the Records of the Town Council and records of all proceedings of the Town Council and other Committees as required by State Law.
- b. Arrange for all elections and maintain all election records, and have custody of all property used in connection therewith.
- c. Obtain and maintain all statistics on births, marriages and deaths as required by law.
- d. Notify the Manager, at least thirty (30) days prior thereto of the expiration of terms of all members of boards or commissions.
- e. File and preserve, as required by State and Federal Law, all contracts, bonds, oaths of office and other documents.
- f. Issue licenses and permits and collect all fees, as required by statute and ordinance unless otherwise provided, and deposit these collections through the Treasurer.
- g. Be custodian of the Official Town Seal.
- h. Keep on file the official copy of the Town Charter, all Ordinances of the Town and maintain a record of all corrections and amendments.
- i. Perform all duties and exercise all powers incumbent upon or vested in Town Clerks by the laws of the State of New Hampshire.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION III FINANCE AND ADMINISTRATION (Cont'd)**

B. The Asst. Town Manager/Finance and Administration shall manage..... (Cont'd)

4. **Town Clerk/Tax Collector**

j. Perform all Tax Collection responsibilities as vested in Tax Collectors by the laws of the State of New Hampshire and as outlined below:

1. Mail all tax notices

2. Collect all taxes due the Town

3. Maintain proper records pertaining to collection functions.

4. Turn over daily to the Treasurer a record and account for all monies on the date received.

5. Collect permit fees for the registration of motor vehicles, required to be paid under the provisions of New Hampshire Revised Statutes Annotated, 1955, Chapter 260, Section 27, and amendments thereto.

6. Perform all other related functions as required.

5. **Treasury** - The **Town Treasurer** shall be elected pursuant to the Laws of the State of New Hampshire and bonded as required by Section 20 thereof. The Town Treasurer shall perform the following functions:

a. Maintain custody of all Town funds, including the recording of the deposit and withdrawal thereof, as required by ordinance and general law.

b. Carry out the duties as specified by the New Hampshire Revised Statutes Annotated, 1955, Chapter 33, and amendments thereto, relative to Town bonds, notes and records thereof.

c. Sign all checks, drafts, notes and bonds for the Town.

d. Record the deposit of all monies daily in the depositories designated by the Town Council.

e. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION III FINANCE AND ADMINISTRATION (Cont'd)**

B. The Asst. Town Manager/Finance and Administration shall manage..... (Cont'd)

6. **General Assistance Division** shall be under the supervision of the Asst. Town Manager/Finance and Administration who is appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff appointed in accordance with Chapter I, Section V.A - Department Staffs. The General Assistance Division shall perform the following functions:

- a. Plan, budget report and control the Town's Welfare Program
- b. Investigate all requests for relief and authorize such relief aid as may be deemed necessary.
- c. Exercise all powers and perform all duties conferred or imposed by law on overseers of the poor.
- d. Keep full and accurate records of persons fully supported, the persons relieved and partially supported, and the travelers and vagrants lodged at the expense of the Town, together with the amount paid to them for such support and relief, and make such reports to the State Board of Public Welfare as required by law.
- e. Serve on the Ambulance Hardship Committee
- f. Perform all other related functions as required.

7. **Human Resources Division** -The Human Resources Division shall consist of an Asst. Town Manager/Finance and Administration appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff appointed in accordance with Chapter I, Section V.A - Department Staffs. The Director shall perform the following functions:

- a. New employee orientation
- b. Assistance with collecting data and preparing for collective bargaining negotiations
- c. Management of workplace
- d. Behavior issues, including absenteeism, harassment, substance abuse.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION III FINANCE AND ADMINISTRATION (Cont'd)**

B. The Asst. Town Manager/Finance and Administration shall manage..... (Cont'd)

- e. Compliance with state and federal workplace and employment rules and regulations.
- f. Assistance with processing grievances.
- g. Management of individual personnel records, including:
  - 1. Wages and Benefits
  - 2. Personnel Evaluations
  - 3. Personnel Actions
  - 4. Required Testing and Certifications
  - 5. Assistance with employee separation issues
  - 6. Administer recruitment process
  - 7. Assist with meeting mission critical training needs.
  - 8. Meeting safety and security compliance issues.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION IV ~~BUILDING/HEALTH/ZONING~~**

~~A. The **Building/Zoning/Health Department** shall be headed by a Building Inspector, who shall also serve as Health Officer and Zoning Enforcement Officer, appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff appointed in accordance with Chapter I, Section V.A Department Staffs. The Building Inspector shall perform the following duties:~~

~~1. Investigate all complaints relating to nuisances that may be brought to his/her attention. He/she shall serve all notices and orders as necessary, and shall enforce all rules and regulations affecting the health and safety of the public.~~

~~2. Investigate and render assistance in reference to private water supply and septic tanks.~~

~~3. Investigate all communicable diseases.~~

~~4. Investigate all sanitary hazards and enforce sanitary laws.~~

~~5. Issue building permits and inspect construction for compliance with Federal and local building laws and codes and the zoning regulations.~~

~~6. Prepare and maintain records of all permits issued.~~

~~7. Prepare and maintain all necessary records required by laws of the State of New Hampshire and the Town Ordinances.~~

~~8. Perform all research work which might be assigned by the Manager, Town Council, Planning Board or the Zoning Board of Adjustment.~~

~~9. Enforce the Zoning Regulations.~~

~~10. Perform all other related functions as required.~~

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION IV PLANNING/ & COMMUNITY ECONOMIC DEVELOPMENT DEPARTMENT**

A. The **Planning/ & Community Economic Development Department** shall consist of a **Planning/ & Community Economic Development Director** appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff appointed in accordance with Chapter I, Section V.A - Department Staffs.

B. The **Planning/ & Community Economic Development Director** shall perform the following functions for the **Planning Division**:

1. Act in the capacity of advisor to the Planning Board.

2. Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highways, public facilities, population, community development, subdivisions, parks, playgrounds and other related phases of Town planning.

3. Revise the Zoning Map as changes are made thereto by Town Ordinance.

4. Perform all research work which might be assigned by the Manager, Town Council, or Planning Board.

5. Develop and implement the various elements of the Master Plan and Capital Improvements Plan being used as guides for the development of the Town.

6. Investigate, study and report on all matters relating to the construction of municipal structures.

7. Research, review and prepare Zoning Ordinance changes for review by the Planning Board.

8. Liaison with appropriate state and regional planning entities.

9. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION IV PLANNING/ECONOMIC *COMMUNITY* DEVELOPMENT DEPARTMENT  
(Cont'd)**

C. The ~~Planning/Economic~~  *& Community* Development Director shall perform the following functions for the **Economic Development Division**:

1. Act in the capacity of advisor to the Economic Development Committee and coordinate with the Londonderry Housing and Redevelopment Authority and other regional economic development organizations.

2. Work to broaden Londonderry's economic base and achieve economic stability through steady growth and quality development, while providing a positive local business climate for innovative, progressive companies.

3. Provide assistance to new and/or relocating companies

4. Assist existing businesses in their expansion efforts.

5. Perform all other related functions as required.

D. The ~~Planning/Economic~~  *& Community* Development Director shall perform the following functions for the Land Conservation Management Division:

1. Responsible for overall conservation land management

2. Meeting with interested landowners

3. Maintaining record files on properties, site visits to insure compliance with terms of easements and deeds

4. Prepare Baseline Documentation on each property

5. Assist legal counsel and Conservation Commission with securing easements and deeds on conservation properties.

6. Perform other related functions as required.

E. The ~~Planning/Economic~~  *& Community* Development Director shall perform the following functions for the GIS Division:

1. Responsible for implementation, programming and management of the Geographical Information System

2. Develop information and reports to assist other town departments, school district, boards and commissions

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION IV PLANNING/ECONOMIC *COMMUNITY* DEVELOPMENT DEPARTMENT  
(Cont'd)**

3. Perform other related functions as required.

*F. The Community Development Director shall perform the following functions for the Building/Health/Zoning Division:*

*1. Appoint a Senior Building Inspector, who shall also serve as Health Officer and Zoning Enforcement Officer.*

*2. Appoint such other professionals and staff in accordance with Chapter I, Section V.A - Department Staffs.*

*The Senior Building Inspector shall perform the following duties:*

- a. Investigate all complaints relating to nuisances that may be brought to his/her attention. He/she shall serve all notices and orders as necessary, and shall enforce all rules and regulations affecting the health and safety of the public.*
- b. Investigate and render assistance in reference to private water supply and septic tanks.*
- c. Investigate all communicable diseases.*
- d. Investigate all sanitary hazards and enforce sanitary laws.*
- e. Issue building permits and inspect construction for compliance with Federal, State and local building laws and codes and the zoning regulations.*
- f. Prepare and maintain records of all permits issued.*
- g. Prepare and maintain all necessary records required by laws of the State of New Hampshire and the Town Ordinances.*
- h. Perform all research work which might be assigned by the Director of Planning & Community Development, Planning Board or the Zoning Board of Adjustment.*
- i. Enforce the Zoning Regulations.*

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*j. Perform all other related functions as required.*

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION-VI PUBLIC WORKS DEPARTMENT**

- A. The **Department of Public Works**, under the supervision of the Public Works Director, appointed in accordance with Chapter I, Section IV.A and shall consist of the divisions of Highways and Bridges; Sewers and Sewage Disposal; Solid Waste Recycling and Disposal, and Engineering. Each division shall consist of such supervisory, technical, clerical and engineering staff appointed in accordance with Chapter I, Section V.A - Department Staffs.
- B. The division of **Highways and Bridges**, under the supervision of the Director, shall perform the following functions:
1. Construct, maintain and repair all roads, streets, bridges and sidewalks, except where specific projects may be let to contractors.
  2. Remove snow and distribute salt and sand on all highways, streets, bridges, sidewalks and other public ways.
    3. Plant, maintain and remove trees and brush on or affecting Town property, either by Town forces or contractual services.
    4. Prepare and maintain all necessary records pertaining to the highways and bridges division.
    5. Install, maintain and repair all street-name signs, traffic control devices and warning signs in the Town.
    6. Paint, when necessary, all parking, crosswalk, street division and direction lines on the Town's streets, except where specific projects may be let to contractors.
    7. Prepare and maintain all necessary records pertaining to street painting and sign placement.
  8. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION VI PUBLIC WORKS DEPARTMENT (Cont'd)**

C. The division of **Sewers and Sewage Disposal** is under the supervision of the ***Environmental Engineer*** ~~Sewer Superintendent~~, and who shall report to the Public Works Director, shall perform the following functions:

1. Review, approve and inspect public and new private sewer construction proposals.
2. Plan, design and build the municipal sewer infrastructure.
3. Repair, maintain and operate the Town's sewer system in accordance with the Sewer Ordinance, State and Federal regulations and inter-municipal agreement, except where specific projects may be let to contractors.
4. Prepare and maintain all necessary records, drawings, and permits required by State and Federal regulations pertaining to the sewer and sewage disposal facilities.
5. Administer and enforce the town's Industrial Pretreatment Program in accordance with the Town's National Permit requirements of the Department of Environmental Services. (NPDES)
6. Apply for State/Federal Grants and Loans
7. Administer the Sewer billing program
8. Perform all other related functions as required.

D. The division of **Solid Waste Recycling/Disposal**, under the supervision of the ***Environmental Engineer*** ~~Solid Waste/Recycling Coordinator~~, and who reports to the Public Works Director, shall perform the following functions:

1. Coordinate the collection and removal of all refuse and recyclables, including organizing a bi-annual Household Hazardous Waste Collection Day
2. Prepare and maintain all necessary records pertaining to the refuse/recycling collection, marketing and disposal division.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION VI PUBLIC WORKS DEPARTMENT (Cont'd)**

- D. The division of **Solid Waste Recycling/Disposal** (Cont'd)
3. Develop, maintain and care for the Municipal Recycling Drop Off Center and (Do-It-Yourself) DIY Used Oil Collection facility.
  4. Maintain and promote the Master Recyclers' Training and Program
  5. Manage, maintain and supervise renewal of Town contracts for collection of refuse and recyclables.
  6. Apply for Federal/State grants
  7. Promote recycling and the solid waste program through education in the schools and businesses
  8. Perform all other related functions as required.
- E. The division of **Engineering** is under the supervision of the ~~Town Engineer, who shall report to the~~ Public Works Director, shall perform the following functions:
1. Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highways, public facilities, population, community development, subdivisions, parks, playgrounds and other related phases of Town planning.
  2. Review all subdivision/site plans as presented and make recommendations as required to developers and the Planning Board.
  3. Conduct final inspections on subdivisions, including utilities and signs installations, drainage swales, sidewalks and driveways.
  4. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION VII FIRE AND RESCUE DEPARTMENT**

- A. The **Fire and Rescue Department** shall be under the supervision of a Fire Chief appointed in accordance with Chapter I, Section IV.A and shall consist of such other professionals and staff appointed in accordance with Chapter I, Section V.A - Department Staffs.
- B. The **Fire and Rescue Department** shall perform the following functions:
1. Extinguish fires.
  2. Provide rescue services
  3. Provide emergency medical services
  4. Enforce all applicable State laws, administrative rules, and State and local codes.
    5. Hazardous materials incident mitigation.
    6. Prepare and maintain all records as required.
  7. Issue required permits.
    8. Plan and carry out a training program of instruction for all regular and call personnel.
    9. Cooperate with surrounding communities through mutual aid agreements
    10. Provide public education in fire safety and related subjects.
    11. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION VIII POLICE DEPARTMENT**

- A. The **Police Department**, under the supervision of the Chief of Police, appointed in accordance with Chapter I, Section IV.A who shall exercise the power conferred upon Police Chiefs by the Laws of the State of New Hampshire, and which department shall consist of such officers and staff appointed in accordance with Chapter I, Section V.A - Department Staffs.
- B. The Police Department shall perform the following functions:
1. Enforce the laws and ordinances of the State of New Hampshire and the Town of Londonderry.
  2. Investigate crimes and maintain peace and order.
  3. Protect lives and property
  4. Prosecute all violations of the law within its jurisdiction.
    5. Promote public awareness and education in alcohol, drug abuse, crime prevention, domestic violence prevention and other areas of public concern.
  6. Prepare and maintain all necessary records pertaining to the Police Department.
  7. Enforce the licensing laws and other statutes, ordinances and regulations pertaining to domestic animals.
  8. Perform all other related functions as required.

**CHAPTER II - MUNICIPAL DEPARTMENTS (Cont'd)**

**SECTION VIII - LEACH LIBRARY**

**Library Division** - The Library Division shall consist of the **Librarian** and professional and clerical staff, and shall consist of the subdivisions of Cataloging, Reference, Circulation, Young People and Children. The Librarian and other Library staff shall be nominated and approved by the **Library Trustees** and shall perform the following functions:

- a. Select and procure books, magazines, periodicals and other materials for use by residents.
- b. Catalog, classify and circulate for home use all such material.
- c. Provide a reference service for answering requests for specific information.
- d. Promote the availability of the library material to stimulate a wider general interest in its use.
- e. Promote special reading services for children and young people to aid in the development of desirable reading habits.
- f. Prepare and maintain all records pertaining to the Library Department.
- g. Coordinate with School District for provision of Library Services.
- h. Perform all other related functions as required.

**CHAPTER III - BOARDS, COMMITTEES AND COMMISSIONS**

**SECTION I GENERAL AUTHORITY**

- A. The following Boards, Committees, and Commissions are established by Statute, whose members are elected positions pursuant to State Statute:
1. Historic District Commission RSA 673:4
  2. Supervisors of the Checklist RSA 41:46-a
  3. Trustees of the Trust Fund RSA 31:22
  4. Library Board of Trustees RSA 202-A:6
- B. The following Boards, Committees, and Commissions are established by the Londonderry Town Charter, whose members are elected pursuant to the Town Charter:
- Advisory Budget Committee
- C. The following Boards, Committees, and Commissions are established by the Town Charter whose members shall be appointed by the Londonderry Town Council:
1. Conservation Commission RSA 36 A and 1971  
Town Meeting
  2. Planning Board RSA 673:2
  3. Zoning Board of Adjustment RSA 673:3
- D. The following Boards, Committees, Commission and Authorities are established by the Londonderry Town Council whose members shall be appointed by the Londonderry Town Council:
1. Economic Development Committee
  2. International Exchange Committee
  3. Londonderry Housing & Redevelopment Authority (RSA 230, 240, 250)
  4. Recreation Commission (RSA 35B:5)
  5. Solid Waste Advisory Committee
  6. Traffic Safety Committee
  7. Historic District Commission/Heritage Commission (RSA 673)
  8. Elder Affairs Committee
- E. Appointed representatives to Regional Boards, Commissions and Committees shall consist of the following, which list may be amended from time to time to include any board, committee, or commission of the State, County, or local organizations as the Town Council deems necessary:
1. Manchester Airport Authority (SB182) - Appointed by Manchester Board of Mayor and Aldermen upon recommendation of Town Council
  2. Southern New Hampshire Planning Commission (RSA 36:45-53) - Appointed by Town Council upon recommendation of the Planning Board
- F. Ad-Hoc Committees may be created by the Town Council by Resolution when deemed desirable for a specific purpose and shall serve a specific time.

**CHAPTER III - BOARDS, COMMITTEES AND COMMISSIONS (Cont'd)**

**SECTION II GENERAL PROVISIONS**

- A. Composition, terms of office, vacancies, functions and duties of Boards, Committees and Commissions shall be as provided by the Charter of the Town of Londonderry, Sections 8 and 9, Ordinances of the Town of Londonderry, and by the New Hampshire Revised Statutes Annotated (RSAs) and any amendments thereto.
- B. Each board, committee or commission shall function as a separate standing committee, working in an advisory capacity to the Manager. Each committee shall study, advise and recommend to the Manager on all matters of policy pertaining to their committee appointment.
- C. Procedures shall be pursuant to Article 8, Sections 8.13 A through 8.13 C inclusive of the Town Charter, Ordinance and New Hampshire RSA 91A.
- D. Committee Review - The Town Council shall meet with the Chairmen of all Town committees in accordance with Article 9, Section 9.5 of the Town Charter.
- E. All persons appointed to a Board, Committee or Commission shall take an oath of office from the Town Clerk before exercising voting privileges.
- F. Prohibition shall be pursuant to Article 8, Section 8.12 A through 8.12 D inclusive of the Town Charter or Ordinance.

**SECTION III TERMS OF OFFICE**

- A. All appointments to boards, commissions and committees shall serve for the term appointed and until a successor shall have been appointed and qualified.
- B. Terms of appointees shall commence on January 1 of the year following appointment or as otherwise set forth by the Town Charter, Ordinance or Statute.
- C. Terms of Full Members shall be staggered and shall run for three (3) years, ending not later than December 31 of any year or as set forth by the Town Charter, Ordinance or Statute.
- D. Unless otherwise prescribed by law or ordinance, the Planning and Zoning Boards shall maintain Alternate Members as provided by Article 9 of the Londonderry Town Charter. Terms of Alternate Members of other appointed boards shall be for three (3) years.
- E. Terms of other Boards, Committees, Commissions are:
  - 1. Manchester Airport Authority - 3 years
  - 2. Southern NH Planning Commission - 5 years
  - 3. Londonderry Housing & Redevelopment Authority - 5 years

## **CHAPTER III - BOARDS, COMMITTEES AND COMMISSIONS (Cont'd)**

### **SECTION IV JURISDICTION**

- A. The Town Council shall make appointments to any and all Boards, Committees and Commissions as may come under its purview in accordance with the Charter, and this code, unless they are otherwise empowered by Statute.
- B. In cases where State law or directive of Town Meeting has dictated the election, procedure and terms of office, the Town Council shall have no jurisdiction.

### **SECTION V RECORDKEEPING**

- A. The Town Clerk shall maintain the official list of all appointed Board, Commission and Committee members, inclusive of date of appointment, oath of office date, if any, length of term and term expiration date.

### **SECTION VI PUBLIC NOTICE OF VACANCIES**

- A. On or before October 1 of each year, the Town Council shall cause to be published in one local paper of general circulation and shall post in two (2) public places:
  - a. Names of Boards, Commissions, Committees who have vacancies
  - b. Number of vacancies
  - c. How applicant shall reply (forward letter of intent to the Town Council - address)
  - d. Cut off date of applications
- B. Names and related information of individuals who have expressed an interest in serving a board, committee or commission shall be retained in a "Talent Bank" for review as vacancies occur.

### **SECTION VII FILLING OF UNEXPIRED TERMS**

- A. When a member of an appointed or elected Board, Committee or Commission resigns or is unable to serve the remainder of his/her term, that position shall be filled in accordance with Section 9.4 of the Town Charter, Ordinance or Statute.

## **CHAPTER III - BOARDS, COMMITTEES AND COMMISSIONS (Cont'd)**

### **SECTION VIII RULES OF ATTENDANCE**

- A. Appointed and elected officials shall conduct business in the best interests of the Town in keeping with the Town Charter, Ordinances and Statute.
  - 1. Each committee shall determine its own rules and order of business (by-laws) unless otherwise provided by Town Charter or Statute.
  - 2. Each committee shall hold its meetings and maintain its records in accordance with RSA 91-A.
  - 3. Members shall act collectively as a body unless authorization is given a member to act as representative and with specific instruction of that body.

### **SECTION IX FORFEITURE OR REMOVAL FROM OFFICE**

- A. Any appointed member who fails to attend three successive meetings shall be deemed to have resigned and shall be replaced according to Section 9.4 of the Town Charter, or Ordinance.
- B. Any elected member shall cease to hold office immediately upon missing four consecutive scheduled or announced meetings, of which that member received reasonable notice, without being excused by the Chair.
- C. Consideration shall be given appointed and elected members for absences under the circumstance of prolonged illness.
- D. Conditions for removal of any board, commission, or committee member shall be as defined by Town Charter, Ordinance or the Administrative Code.



## CHAPTER IV - ADOPTION AND AMENDMENT

### SECTION I PURPOSE/INTENT

- A. This ordinance is to be known as the *Administrative Code* of the Town of Londonderry
- B. This ordinance shall become effective after adoption by the Town Council at a regular or special meeting
- C. This ordinance may be amended from time to time by the Town Council at a regular or special meeting.

### SECTION II SEVERANCE

- A. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance, which shall remain in full force and effect, and to this end, the provisions of this ordinance are hereby declared to be severable.

Town Manager / Date

Chairman - Town Council / Date

~~End of Section~~

**Goal Statement #1:** *To reorganize one Town Department by June 30<sup>th</sup>, 2008 with the resulting effort being accomplished in a manner that provides for the delivery of the same services as currently provided under the current structure with no increase in headcount above currently authorized positions.*

**Goal Review:**

1. Is the goal specific and clearly stated? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Is the goal measurable and based on data<sup>7</sup>? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Is the goal achievable/attainable? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Is the goal realistic & related to actual accomplishment? Yes\_ \_No \_\_\_\_\_
5. Is the goal time based? Yes \_\_\_\_\_ No \_\_\_\_\_

Make revisions to your goal if you answered no to any of the questions.

**Goal Statement #2:** *The Town Manager will work with the School Superintendent to identify a common service area for streamlining and/or consolidation resulting in cost savings to both governments. The implementation plan for the approval of both boards will be submitted prior to August 30<sup>th</sup>, 2008. Each board may appoint a two person subcommittee to aid the managers in the identification, review and creation of the implementation plan and both boards agree to discuss and agree upon the plan prior to September 30, 2008 in order for the plan to be incorporated into the next fiscal year budgets.*

**Note:** *This Council goal is draft form only and needs to be socialized with, and meet the approval of the School Board prior to formal adoption.*

**Goal Review:**

1. Is the goal specific and clearly stated? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Is the goal measurable and based on data? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Is the goal achievable/attainable? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Is the goal realistic & related to actual accomplishment? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Is the goal time based? Yes \_\_\_\_\_ No \_\_\_\_\_

Make revisions to your goal if you answered no to any of the questions.

**Goal Statement #3:** *Identify 3 departments (Building and Planning, planned under Goal #1 to be merged into Community Development, and Assessing) within the Town of Londonderry that are frequently called by citizens with questions regarding service Identify a set of no less than 10 Frequently Asked Questions (FAQ's) and create a FAQ page to be added in a prominent location on the Town Web Site for those 2 departments with the web change to be implemented by June 30, 2008.*

**Goal Review:**

1. Is the goal specific and clearly stated? Yes\_ \_No \_\_\_\_\_
2. Is the goal measurable and based on data? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Is the goal achievable/attainable? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Is the goal realistic & related to actual accomplishment? Yes\_ \_No \_\_\_\_\_
5. Is the goal time based? Yes \_\_\_\_\_ No \_\_\_\_\_

Make revisions to your goal if you answered no to any of the questions.

**Goal Statement #4:** *Town staff will prepare a "Financial Mechanisms" report for the purposes of assisting the Council in making policy decisions regarding the future funding of Economic Development activity within the Town of Londonderry. The report shall include an overview of Tax Increment Financing (TIP) Districts and alternatives means as may be appropriate. The subject report should coincide with the completion of the Capital Improvement Plan Committees work on the CIP and be submitted to the Council and Planning Board for review prior to the adoption of the CIP with a date to the Council of no later than September 30, 2008.*

**Goal Review:**

1. Is the goal specific and clearly stated? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Is the goal measurable and based on data? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Is the goal achievable/attainable? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Is the goal realistic & related to actual accomplishment? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Is the goal time based? Yes \_\_\_\_\_ No \_\_\_\_\_

Make revisions to your goal if you answered no to any of the questions.

**Goal Statement #5:** *The Council will work with Town staff and the Conservation Commission to prepare a new "Strategic Plan" to augment the existing Open Space Task Force Report. The subject report should coincide with the completion of the Capital Improvement Plan Committees work on the CIP and be submitted to the Council and Planning Board for review prior to the adoption of the CIP with a date to the Council of no later than September 30, 2008.*

**Goal Review:**

1. Is the goal specific and clearly stated? Yes \_\_\_\_\_ No \_\_\_\_
2. Is the goal measurable and based on data? Yes \_\_\_\_\_No \_\_\_\_
3. Is the goal achievable/attainable? Yes \_\_\_\_\_ No \_\_\_\_
4. Is the goal realistic & related to actual accomplishment? Yes \_\_\_\_\_No \_\_\_\_
5. Is the goal time based? Yes \_\_\_\_\_No \_\_\_\_

Make revisions to your goal if you answered no to any of the questions.

# ORDER 2008-12

An order relative to  
***The Distribution of Conservation Funds  
To Purchase Property***

---

First Reading: 05/05/08  
Second Reading: Waived  
Adopted: 05/05/08

***WHEREAS*** the Town of Londonderry has appropriated, at recent Town Meetings, fund for the Open Space Preservation Program to be placed in the Conservation Fund; and

***WHEREAS*** the provisions of RSA 36:A-4 allow the Conservation Commission to receive gifts of money and property and to purchase property; said property and gifts to be managed and controlled by the Commission; and

***WHEREAS*** the Commission may, under the provisions of said State law, acquire in the name of the Town and subject to the approval of the governing body, any property to be conserved and utilized as open space and shall manage and control the same;

***NOW THEREFORE BE IT ORDERED*** by the Londonderry Town Council that the Town Treasurer is hereby authorized, as directed by the Conservation Commission, to expend from the Conservation Commission Fund the sum of \$6,500.00 to purchase Map/Lot 11-21, Teton Drive (rear) from Elizabeth Sales.

Marty Bove - Chairman  
Town Council

( TOWN SEAL )

---

Marguerite Seymour - Town Clerk/Tax Collector

***A TRUE COPY ATTEST:***  
***05/05/08***

**TOWN COUNCIL**  
**April 21, 2008**

The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH.

**PRESENT: TOWN COUNCIL; Chairman Marty Bove; Vice Chairman, Brian Farmer; Councilors Kathy Wagner, Paul DiMarco and Mike Brown; David Caron, Town Manager; and Margo Lapietro, Executive Assistant.**

**CALL TO ORDER – PUBLIC SESSION**

Chairman Bove opened the meeting at 7: 01 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**

**Ordinance #2008-04 – Relative to Rezoning of Tax Map 7, Lots 132-1 through 132-20.** Councilor Farmer read the second reading and **made a motion to accept. Second by Councilor Brown.** Andre Garron, Planning & Economic Director reviewed the Ordinance. The design is a campus style retail development; proposal is to remove the POD removed, yet leave the property zoned as C-1. Al Baldasaro, 41 Hall Rd. said it is in the best interest of the Town. Chairman Bove said this was recommended by the Planning Board (PB). Vice Chairman Farmer expressed concern with the building size. A. Garron said it was one of the issues that came up at the PB hearing because it is one of the requirements of the POD that will not be met. Vice Chairman Farmer said he is concerned with POD setbacks and landscaping standards which make a development under POD more attractive. Councilor DiMarco asked how tall the 50,000 sf building will be. A. Garron said no taller than 45ft., 50ft. is maximum in POD. John Rufo from ArrowStreet (design team) said it will have a flat roof configuration anywhere between 20 and 24ft. building height. If it has a pitched roof eave will start somewhere from 20-24ft., height of pitch can be up to between 25-35 ft. in height. Councilor Wagner confirmed with A. Garron that staff believed this proposal met the spirit of POD otherwise they would not have been brought before the PB. Staff gave explanation of why POD was originally proposed as a tool to control development, with relatively stringent green space requirements. A. Garron said landscaping is thorough according to our site plan regulations. Councilor Wagner said the PB will have another review of the landscaping plan through the site review process. She said if this site plan is approved, it will only impact this development. She asked A. Garron if the PB waived POD for other properties on 102, Andre responded the Town Council did it for Elliott Hospital. Councilor Brown said the majority of the spirit of POD is upheld. He asked if we have a guarantee that sewer is part of the plan. A. Garron responded that was represented to the PB. Councilor Wagner responded we have conceptual site plan with sewer on it.

Chairman Bove said the layout would have to be redone to add leachfields, would be a major change to what was presented, which is at variance with the language of tonight's ordinance. Councilor Brown said we have no guarantee of types of businesses that can go in there. He asked A. Garron what the 4 lane reconstruction will look like. Discussion ensued about location of stop lights and lanes. Art Rugg, PB Chairman said what we have is conceptual, the extra lanes are only turning lanes. Tony Marcotte, Bedford Design Consultants said the sewer was always part of the proposal. The lane configuration is up to NHDOT, and traffic reports have submitted. It will be 4 lanes then being reduced to two in both directions. Councilor DiMarco said he is not to concerned that traffic will be a problem, Councilor Wagner agreed, PB will do a good job. Councilor Brown said that the development will only have a small dollar impact on tax bill. Art Rugg, PB Chairman said that in terms of tax relief we have to look at every development collectively. Reed Paige Clark, III said he would like to see more business in Town. Chairman Bove complimented PB for responding to needs of community, well planned, will be a good for the area. **Councilor Wagner made a motion to accept. Second Councilor DiMarco. Council's vote 5-0-0.**

**Resolution #2008-09 – Relative to the use of Map 11, Lot 46 as a Firearms Range.** Councilor Farmer read, second reading, **made a motion to adopt. Second by Councilor Wagner.** Chief Joe Ryan said Londonderry Fish & Game (LF&G) Club has been very considerate and professional in providing use of their range. He displayed a map showing the location of the proposed range and indicated the closest residences that were 2,593, 2,994, 3,118 ft. away from range. Sgts Goodnow, Kearney and Lt. Gandia were in attendance. Councilor Brown asked what the hours of operation would be. Lt. Candia responded they would be during business hours 9-12 and 1-4, twice a day. Night shoots are in Oct or Nov. when it gets dark 5:30 to 6:30. Councilor Brown asked if other departments use the range will they follow the same schedule, Chief Ryan said they are required to respect our hours. Councilor DiMarco said that LF&G allows shooting 30 minutes before sunrise and 30 minutes after sunset. He said that those hours would ensure that the general public does not observe shooting practice and he supports the resolution. Chairman Bove asked if they were putting in berms, Sgt. Gandia said they will have 20 ft. berms and proceeded to pass out a blueprint of the range to Council. Al Baldasaro, Hall Rd asked if pistols were being used and is land owned by the Town. Chief Ryan responded it is donated use land and pistols will be used on the 100 yards range. Art Rugg said all precautions have been done, perfect place for it. **Councilor DiMarco made a motion to accept Resolution. Second by Councilor Farmer. Council's vote 5-0-0.**

**Councilor Brown made a motion to come out of Public Hearing. Second Councilor Wagner. Council's vote 5-0-0.**

### **PUBLIC COMMENT**

Budget Committee Member Tom Dolan presented a PowerPoint presentation entitled Overview of Strategic Business Development Planning, April 2008. He said the Budget

Committee had not seen the presentation yet. He stated the presentation is a suggestion, a framework particularly for the Access Road/Airport area. The intent of his presentation is to shift the tax burden away from residential taxpayers toward industrial taxpayers. He said nobody in the state has attempted to develop close to a thousand acres of industrial property. He said that we should identify specific companies we want in this industrial zone and go after them aggressively. He talked about spec development, reviewed key actions, suggested speeding the approval process for this particular development. Chairman Bove said Council will look at it; will ask the Town Manager and A. Garron if there are any stumbling blocks. Councilor Farmer said his concern is the budget. Look at method of return of investment (ROI), change model we currently use, what kind of investment do we need to make to accomplish this. T. Dolan suggested that we get it ready for the next budget season. Councilor Wagner asked the Council to let Andre give his presentation because he will address some of the issues brought up by Tom.

Reid Page Clark, III, Stonehenge Rd. asked Town Manager Caron if he had heard anything from the State about the intersection of Bartley Hill, Stonehege, Litchfield Rds. He responded it was advertised 4/15/08, utility work being completed this year, most of construction will occur in 2009.

### **OLD BUSINESS**

**FY09 Goals and Objectives.** – Town Manager reviewed shared goals with staff,

1<sup>st</sup> goal – Staff had no additional input. Delay until Resolution is read tonight.

#2 Chairman Bove said goal is to save money, and he has not approached School Board as of yet. He stated we do not know what we want to do right now until concurrence has been reached among the Councilors prior to approaching School Board. Councilor Farmer stated this should stay in draft form until we approach school. We have to have dialogue to establish what the goal is, he urged that we begin dialogue with the school. Councilor DiMarco suggested stepping back, get with school in a joint meeting or talk to the Chairman of the School Board and see if they are interested. Councilor Bove said he will set up the yearly joint meeting with School Board and Budget Committee and it will be brought up. Councilor Wagner said the School Board already addressing it, approach N. Greenberg, make it a direction for the Town Manager to meet Nate and see what happens. Town Manager Caron said two municipal governments are involved, policy making bodies should first agree on a common goal and then assign their staffs accordingly. Chairman Bove said the School Board meeting is tomorrow night, and he will broach the issue at that time. Councilor Wagner said we need to get the dialogue started. It was agreed that this was a definite goal. Town Manager Caron clarified that the Town and the School District have collaborated in the past on a number of projects. This appears to be a move towards departmental consolidation of services, which requires policy input from both sides.

Councilor Wagner said #3 and #5 are close, and should be combined into one goal. Councilor DiMarco said he was not comfortable with a 2 person subcommittee for the

Planning Board (PB), per state statutes they are a land use body. Councilor Brown stated that it should remain a goal, last year it was a Council goal. We should keep it because it is a one and half year goal and it has already been started. The Town should streamline the approval process, it is collaborative under Economic Development goal, there are no turf issues. Consolidating 3 & 5 is acceptable. Councilor Bove disagrees with the statement that it was a goal and nothing done, the Elliott project shows PB is taking message from Council where we want to go to be user friendly. Councilor Wagner said she would like to hear from the PB and Economic Development before we make a decision on the goal. A. Rugg stated streamlining the review process is part of the Master Plan (MP) recommendations; the PB has been working on streamlining for the past 3 yrs. A. Garron said a lot of things happen in Londonderry with a purpose. Overall goals: encourage investment & reinvestment in the community, increase revenues, expand & stabilize the tax base. We have a lot of work to do to make us business friendly. He spoke about enhancing our website; the Airport Access Road; developing a financing strategy to fund economic development. The Town can be more aggressive with who we want to attract. Councilor Farmer said we have to have more dialogue between PB and Council. He said we need to invest in strategic planning. Councilor Brown asked if we have feedback from business. John Farrell said the PB has moved from no rules to the other end of too many; the Board is working toward the middle. A. Garron said feedback is mixed, ones who have problems are the ones who don't follow the rules. He also said there were not many incentives to fund Economic Development in New Hampshire. He will meet with Sue Hickey and the Town's financial adviser on 4/24 to see what financing options are available. Chairman Bove asked how interested are major land owners to help bring development into their property. A. Garron said he has been talking to major landowners at Access Road area for some time now. Councilor Brown said the intention of this goal has been to collaborate with Staff and others to do what we are talking about. Councilor Farmer said policy direction is to go forward, but we don't fund them. Suggested that PB come forward during budget season to give them a list of things they need. Councilor DiMarco said he would like to have a joint meeting with PB on a regular basis. Councilor Brown suggested money be re-directed to Planning & Economic Dept. Councilor Wagner said we have to develop a plan and strategy, have to commit money. She would like meetings to talk to property owners by 6/30/08 to see what they want to do. Sees it as a necessary direction to make that goal. Need staff, representative from PB and representative from Town Council to meet with landowners, don't have time to wait. Town Manager Caron said staff needs specific information regarding infrastructure cost before meeting. He stated that we are currently in the middle of that process. A. Garron said we are close to finalizing that information. We need to have the infrastructure costs before meeting with the property owners. Councilor Wagner said we have to educate the public to pass the bond for \$14M. The Town should bring it into CIP and budget process this year, and make a formal presentation at the March, 2009 Town Meeting. J. Farrell said we need supporting services and wants and needs of community throughout the entire Town, not just in one area. Discussion ensued about the CIP goals. Councilor DiMarco said the next MAA meeting is tentatively scheduled for 5/22 and they will be touring the Access Rd., he also said there is a potential of rail service. Councilor Brown said if all is on the voters it will not work, we need to partnership with someone to mitigate the cost. Councilor Wagner said if we do not get the support of the property

owners we will not convince the taxpayers. A. Garron said the MP of 2004 touched on everything we talked about tonight. Year One Goals are to: market and promote Londonderry's Economic Development Areas; assess and develop a regulatory strategy to advance Londonderry's economic development initiatives; develop a financing strategy to fund economic development.

Chairman Bove told A. Garron that we need a marketing plan for funding for Econ. Dev. Need your vision on what we need to work on, identify a list of other areas, list next 5 things you think we should develop. We need to schedule a joint meeting for Housing Taskforce to see what they are proposing. Would like to see all this done in May. It was decided to have the joint meeting on Monday night, 5/12. The consensus was to delete goal #3 because it is in the process now and keep #5 goal.

#5 Councilor Wagner said infrastructure pricing needed by September before budget season. Town Manager Caron said presentation for next town meeting is a good idea. Councilor Wagner said it might happen in stages, have to plan ahead. Al Baldasaro said he would open up lines with state representatives. Copies of Housing Taskforce Report to be delivered to representatives per Chairman Bove. Report shows we as a community are dealing with the issue.

#4 Town Manager suggested moving deadlines date to 6/30 for three departments.

#6 Councilor Farmer talked to the Conservation Commission and they agree to have a strategic plan for Open Space Task Force. They are willing to have a dialogue about funding.

**Operating Conditions – Murray's Auto Recycling:** Town Manager Caron presented a draft of operating conditions, which he attempted to develop based upon comments made by the Councilors at the March 17 meeting. It is based upon last year's document, the bold italics wording is new language, the strikeouts are deletes. Frank shared a copy of these conditions with Mr. Dudek last Thursday.

Changes involved:

Item #2 – Incorporates statutory language that a solidly constructed fence at least six feet in height be in place which substantially screens the area.

Item #5 – Mr. Dudek no longer interested in opening at 7:00 AM at certain times through the year to transport crushed vehicles. He wants to revert to previous times of opening at 8:00AM on Saturday.

Item #8 – Failure to comply will result in fines per RSA676:17 and may be considered by the Town Council when determining license renewal, per RSA 236:121 II. Prior Council meetings stated that Council wanted to treat this facility the same as other facilities in Town. These changes reflect how the Town manages code enforcement.

Councilor Farmer said there was an e-mail sent out by Chairman Bove about reviewing code enforcement issues in general. Town Manager requested guidance whether to schedule a stand along workshop, or incorporate it into a regular meeting. Councilor Wagner said she wants a workshop, with no public comment. Discussion ensued as to whether or not it should be part of a regular Council meeting or a separate workshop. It was suggested to schedule workshop meeting after the public segment of the Council meeting scheduled for 5/5/08. Councilor Brown said separate workshop is more productive. The Council concurred to discuss on 5/5. Councilor DiMarco clarified the new hours are Monday through Saturday 8-5, Councilor Bove said he was correct. Chairman Bove said this item was not a public hearing but he would listen to Richard Belinski. R. Belinski, 41 Hall Rd said he asked for a copy of the new agreement from Frank Holdsworth. He stated there were compliance issues over the past three weeks that never got resolved. Fencing was originally in place but didn't work because problem with 6 foot fence. It should be at least 6 feet, substantially built, solidly built. The other junkyards are not in compliance with that item and he cited Hill's. Fabric is not solidly built. Councilor Farmer **exercised his Councilor's objection** on this item tonight and asked that a copy be provided to Mr. Belinski to review between now and our next meeting, At this point in the meeting Chairman Bove handed Mr. Belinski a copy of the conditions.

## **NEW BUSINESS**

**Ordinance 2008-05 – Relative to Rezoning of Map 15, Lot 96, Clark and Jacks Bridge Road.** Read by Councilor Wagner, second hearing scheduled for 5/05. **Motion to move to second reading by Councilor Wagner. Second Councilor Brown.** Councilor DiMarco abstained from voting because the property owner is a co-worker and a personal friend will recuse himself from the public hearing. **Council's vote 5-0-1, with Councilor DiMarco abstaining.**

**Ordinance 2008-06 – Relative to Amendments to the Zoning Ordinance Regarding Temporary Structures and Minimum Lot Sizes.** - Read by Councilor Farmer, second hearing scheduled for 5/05. **Motion to move to second reading by Councilor Farmer. Second Councilor DiMarco. Council's vote 4-0-0 (Councilor Wagner was not in the room when the vote was taken.)**

**Ordinance 2008-07 – Relative to an Amendment to the Municipal Code, Title V, Reorganization of Departments** Councilor DiMarco read first reading, second reading scheduled for 5/5/08. **Councilor DiMarco made a motion to move to public hearing. Second Councilor Farmer.** A. Garron recommended that the department be known as the "Community Development Department". Staff also took this opportunity to revise the code to reflect the correct legal standing of the library; it is an independent department. D. Caron estimated savings would be about \$30K, which may change depending upon the benefits package of the new employee. Councilor Wagner suggested that copies not be made again for second reading, Councilors will retain the first reading copies and use them at the second reading. Councilor Farmer asked if Code Enforcement

was being moved in with the Fire Dept. Town Manager Caron responded no, the position listed in the Ordinance was for the Fire Marshall position. Councilor Farmer questioned if the Library was completely deleted. Town Manager Caron responded the Library was a separate department located at the end of the document. Councilor DiMarco noted that some committees were not listed under Boards, Committees and Commissions. Town Manager Caron responded Ad Hoc committees are not listed, just standing committees. **Council's vote 5-0-0.**

**Resolution 2008-07 - Relative to a Partial Mortgage Discharge at Wagon Wheel Cooperative** – Councilor Farmer read the first reading, with the second reading waived. **Councilor Farmer made a motion to accept. Second Councilor Wagner.** Open for discussion. Councilor DiMarco clarified that this allowed taking a piece of land. Councilor Farmer questioned if the people at Wagon Wheel were aware of this taking, he responded they support this action; Wagon Wheel Coop will be compensated \$20,000 by the State for the taking. **Council's vote 5-0-0.**

**Resolution 2008-08 – Relative to a Transfer of Funds from the Health insurance Holding Account** – Councilor Farmer read first reading, second waived **motion to adopt. Second Councilor Wagner.** Open for discussion. Councilor Brown asked if the appropriation was to fund the program for two years, Town Manager Caron responded yes. **Council's vote 5-0-0.**

**Order 2008-11 – Relative to a Withdrawal from the Capital Reserve Fund for Sidewalk Snow Removal Equipment.** Councilor Farmer read the first reading, second reading waived, **Motion to adopt. Second Councilor DiMarco.** Open for discussion. Chairman Bove asked the Town Manager if this will jeopardize the grant we received, he responded no. **Council's Vote 5-0-0.**

### **APPROVAL OF MINUTES**

Minutes of the Council's April 7, 2008 Public and Non-Public Meeting.

Councilor DiMarco had corrections to line 180, reads "Elderly" should read "Elder Affairs Committee." Line 195 reads "Troup" should be "Troop". **Councilor Wagner made a motion to approve the April 7, 2008 Public minutes with corrections. Second Councilor DiMarco, Council's vote 4-0-0, with Chairman Bove abstaining.**

**Councilor Wagner made a motion to approve the Non-Public Meeting Minutes of 4/7/08. Second Councilor Farmer. Council's vote 4-0-0, with Chairman Bove abstaining.**

### **OTHER BUSINESS**

Liaison Reports –Councilor Wagner attended the PB meeting, discussed Master Plan survey, working with UNH for telephone survey. Alternate position was reviewed.

Historic zoning changes will be reviewed. Stonewall preservation approved, a book will be put in Town Hall for developers to follow. Went on ride with Frank Holdsworth to look at all junkyards. Old Home Day Committee nominated Betsey McKinney as the Grand Marshall this year, theme is "Apples, Pumpkins, Family and Friends, Oh My". Warm Homes benefit dinner is 5/3/08 at 7:00 PM at Lions Hall.

Councilor DiMarco - MAA will have offsite tour of Access Rd. project on 5/22/08. Sound Insulation project still continues, approximately 18 eligible homes in Londonderry. One Delta Dr. property is being purchased by MHT because it is located in the airport protection zone. ALERT conducted a chain saw training session by LGC. Line search and GPS training will be held in the Musquash this weekend.

Councilor Farmer said Conservation Commission met, an agenda item is needed for 5/5 to receive Council approval for a purchase in Watts Brook area. Cons. Comm does want to talk to Council about going forward with Open Space. Arts Council met, "Art in Action" event scheduled for 5/3 & 5/4 at multiple sites from 10:00 AM – 4:00 PM. Heritage Commission conducted a site walk through the Town Forest. Public hearing will be held on 5/22 with Heritage Commission, potential funding sources will be put on a future agenda, has to be adopted at Town Meeting.

Councilor Brown attended the ZBA met last Wednesday had only 2 cases; chairman notified him that it did not require Council attendance. He will attend Budget Committee meeting this Thursday.

Councilor Bove attended installation of officers at the American Legion, and gave a speech. Participated as observer at South School for Wizard of Oz. Beautify Londonderry continued this weekend and next. He said he saw volunteers on South Rd. , they cleaned it, went by again and litter was dumped again. Knights of Columbus conducting annual Tootsie Roll Drive on 5/2 and 5/3. He requested that A. Garron give Council copies of Housing Workforce Report ahead of time to read.

**Town Manager's Report** - Town Manager Caron informed the Council that despite the economy the Town budget still tracking OK, revenues to date are on par.

Senate passed HB1652 which finally reimburses the Town for the 12½% share of flooding costs from 06-07. The Town should receive revenues of between \$85-89K soon. These funds can revert into the General Fund, or recognize it as unexpended revenues and apply to a purpose. Recommendation is to usually put in it in the General Fund, but recommends consider using for police communication system which is now failing. Estimated cost to replace that is \$360K. Will return to Council on 5/5/08 with different options. Combination of using any funds not expended in this year's budget and then using a short use/purchase arrangement with a no funding clause which means the future town meeting does not fund the payments, the equipment is returned. Chairman Bove asked about the cell tower, he responded still waiting for FAA to OK location study.

**Board/Committee Appointments/Reappointments/Resignations**

Re-Appointment of Laura El-Azem to replace the vacant position of Paul DiMarco on the Planning Board as a Full Member. Term to expire 12/09.

Councilor Farmer made a motion to appoint. Second Councilor DiMarco. Council's vote 5-0-0.

**ADJOURNMENT**

Councilor Wagner made a motion to go into a Non-Public Session at 10:55 PM pursuant to RSA 91-A: 3 II (A). Second Councilor DiMarco. Aye, Councilor Wagner; Aye, Councilor DiMarco; Aye, Vice Chairman Farmer; Aye, Councilor Brown.

Notes and Tapes by: Margo Lapietro Date:  
04/21/08

Minutes Typed by: Margo Lapietro Date:  
04/24/08

Approved: Town Council Date: