

**TOWN COUNCIL
AGENDA
June 12, 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.

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|---------|-----|--|
| 7:00 PM | I. | <u>CALL TO ORDER – PUBLIC SESSION</u> |
| 7:01 PM | II | <u>PUBLIC HEARING</u>

A. Ordinance #2008-09 – Relative to an Amendment to the Town Zoning Ordinance Regarding Portable Storage Structures.
B. Resolution #2008-10 – Relative to the Adjustment of Fire Department License and Inspection Fees
C. Receipt and Expenditure of Unanticipated Revenues – FY08 |
| 8:15 PM | III | <u>PUBLIC COMMENT</u>

A. |
| 8:30 PM | IV. | <u>OLD BUSINESS</u>

A. Beautify Londonderry wrap-up |
| 8:45 PM | V. | <u>NEW BUSINESS</u>

A. Resolution #2008-11 – Relative to the Memorandum of Understanding for Technology Services
B. Order #2008-13 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects
C. Resolution #2008-12 – Relative to the Sale of Town Property for Highway Widening Purposes
D. Staffing Levels – Police Department |
| 9:30 PM | VI. | <u>APPROVAL OF MINUTES</u>

A. Minutes of the Council’s May 19, 2008 Public Meeting. |

9:40 PM

VII. OTHER BUSINESS

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

10:00 PM

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, July 17, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- B. Town Council Meeting, Aug 18, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- C. Town Council Meeting, Sept. 15, 2008, Moose Hill Council Chamber, Town Hall, 7:00 PM

Introduced: 5/19/08
Second Read/Pub Hrg: 6/12/08
Adopted: xx/xx/xx

ORDINANCE 2008-09
RELATING TO AMENDMENTS TO THE ZONING
ORDINANCE REGARDING PORTABLE STORAGE
STRUCTURES

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

WHEREAS the increasing use of portable storage structures requires that the Planning Board review and establish regulations for their use; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon proposed amendments;

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 2.3.1.9; 2.4.2.12; 2.5.1.3.12 and 4.7 in order to establish standards for the use of Portable Storage Structures.

Marty Bove
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/08

Town Seal

RESOLUTION 2008 - 10

A Resolution Relative to the Adjustment of Fire Department License & Inspection Fees

First Reading: 05/19/08
Hearing/Second Reading: 06/12/08
Adopted: xx/xx/xx

WHEREAS The Town continually reviews its fee and permit schedule to reflect the costs of providing those services; and

WHEREAS The Fire Department has reviewed its fees and offers recommendations for adjustment; and

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

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the attached fee structure be adopted in order to insure that the town does not incur non-reimbursable expenses providing these service.

Marty Bove - Chairman
Town Council

(TOWN SEAL)

Marguerite A. Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
xx/xx/xx

Town of Londonderry FY08 Grants and Donations

Community Development –

\$15,000 through the NHDOT Community Technical Assistance Program (CTAP) Discretionary Fund grant. This grant will be used to fund the Small Area Master Plan.

Town Clerk-Tax Collector

State of NH Vital Record Improvement. \$8,500.00 - Preservation of Vital Records.

Beautify Londonderry

The donated funds and materials for Beautify Londonderry 2008 - \$9,775.00 (Detailed list attached.)

Fire Department –

New Hampshire Department of Safety, Grants Management Office with United States Department of Homeland Security

One Motorola Quantar base station radio, \$21,306.00 value

One Motorola MCC5500 Dispatch Console, \$53,366 value

One Motorola Spectra Astro W4 radio, \$6,982.00 value

Unanticipated monies:

Hazmat reimbursement to date has been \$7,952.57 with an additional \$2,000.00 anticipated before July 1, 2008

Police Department

Equipment Grant from Homeland security (this is used military camera equipment approximate value \$105,000).

NH Highway Safety - DWI Saturation Patrol grant \$604.18

Byrne PPE safety Grant (homeland safety equipment gas masks etc.) \$10,700.

Ahura first defender grant equipment and training \$8,000

VIPR Program grant Homeland security overtime backfill grant \$1,872.31

Orange ALERT Homeland Security overtime backfill grant \$1,922.60

Saver Program Homeland Security overtime backfill grant \$4,922.12

Specialized Training Grant Police Standards and Training \$2,000.00

OHRV Grant State of New Hampshire Fish and Game for Patrols \$3,375.00

Homeland Security Cam grant for Stonyfield Yogurt \$73,100.

Homeland Security Cam grant for PSNH \$33,400

Total Anticipated Revenues -

\$ 369,777.78

Donations Beautify Londonderry 2008

Cash Donation

Sponsor	Amount
Continental Paving, Inc.	\$2,000.00
Manchester-Boston Regional Airport	\$1,000.00
Waste Management	\$1,000.00
Allied Waste Systems	\$500.00
Stonyfield Farm Yogurt	\$500.00
Coca-Cola Bottling Company of Northern New England	\$250.00
Blue Seal Feeds	\$250.00
Charles George Trucking	\$250.00
Londonderry Lions Club	\$250.00
ReMax 1 st Choice	\$250.00
Central Communication Corp.	\$100.00
Citizens Bank	\$100.00
Peabody Funeral Homes	<u>\$100.00</u>
Total	\$6,550.00

Material/Supply Donations

Sponsor	Value
Bensons Lumber & Hardware – perennials	\$500.00
Ron Libby & Son – mulch	\$500.00
Trimmers Landscaping – mulch	\$500.00
Estey Lumber – mulch	\$300.00
Coca-Cola Bottling Co. of Northern New England –water	\$250.00
Hannaford Supermarket – 100 gloves	\$250.00
Home Depot – perennials & flowers	\$250.00
Wellpoint/Heritage United Way – gift card	\$250.00
Interstate Landscaping – mulch	\$200.00
Independence Lawn LLC – mulch	\$200.00
Shaws Supermarket – Gift Card	<u>\$25.00</u>
Total	\$3,225.00

First Reading: 06/12/08
Second Reading: Waived
Adopted: 06/12/08

RESOLUTION 2008-11

An order relative to

**Authorization to Sign Memorandum of Understanding for
*Technology Services***

WHEREAS the Town has retained Eaglevue Technologies to provide Information Technology services since 2004; and,

WHEREAS the Town has several vital projects underway in which technology is an integral part thereof, including the continued implementation of new accounting, utility billing, HR and Fire Department software, continued maintenance and development of the website, and continued enhancement of its technology infrastructure; and,

WHEREAS Town operations are best served by retaining a multi-disciplined technology consultant who can provide a myriad of different services as the Town continues its technological upgrades; and,

WHEREAS the Town has enjoyed a beneficial, productive and cost-effective relationship with Eaglevue over the past four years;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town Manager is hereby authorized to sign the Memorandum of Understanding for the purpose of retaining Eaglevue LLC for Fiscal Year 2009 to provide technological and voice communication management services to the Town of Londonderry.

Marty Bove, Chair
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:

06/12/08

ORDER 2008-13
AN ORDER RELATIVE TO THE EXPENDITURE OF
MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

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

WHEREAS expenditures have been made for various projects, specifically:

- 1) The Limited Remedial Action Plan at town-owned property on Sanborn Road, Map 15, Lot 152. The plan which consists of removing buried scrap metal, iron and other related items from the site, is necessary to comply with NHDES regulations, and for the eventual re-use of the property for recreational activities; and
- 2) Town Offices required several repairs:
 - a. Repair and renovations to the Server Room for proper operation of the AC system;
 - b. Replacement of one (1) blower motor for a Town Office AC unit;
 - c. Repair of emergency generator at the Town Offices due to high coolant; and
 - d. Replacement exterior lights Town Offices/PD sign
- 3) The Senior Center required repair of its air conditioning unit and replacement of its hot water heater.
- 4) Police Department:
 - a. Replacement of batteries for emergency backup system
 - b. Emergency repair of boiler;
 - c. Exterminator for Fly Problem;
 - d. Emergency plumbing repairs.
- 5) Replacement was required of the fuel nozzle at Central Fire.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$86,629.54 for the aforementioned repairs and improvements.

Marty Bove- Chairman
Town Council

Marguerite Seymour

Town Clerk/Tax Collector

(TOWN SEAL)

A TRUE COPY ATTEST:

6/12/08

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
May 19, 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; Town Manager, Dave Caron: and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Chairman Bove opened the meeting at 7:02 PM with the Pledge of Allegiance. This was followed by a moment of silence for the death of a child of one of the town police officers.

Councilor Wagner made a motion to open the public hearing. Second by Councilor Brown, Council's vote 5-0-0.

PUBLIC HEARING

Ordinance 2008-08 – Relative to an Amendment to the Municipal Code, Title

III – Land Use Regulations, Chapter VI – Street Numbering Ordinance -

Councilor DiMarco read the Ordinance, and **made a motion to approve.**

Second by Councilor Farmer. Town Assessor Karen Marchant and

Londonderry Firefighter Jim Bilodeau presented. K. Marchant said the reason

for the Ordinance was to clean up language and update the older ordinance. Al

Baldasaro, Hall Rd. asked when it would be in effect, she responded

immediately. Greg Warner, 10 Pendleton Lane from the Rolling Meadows

Condo development asked if the house numbers would be tied into the new GIS

system. J. Bilodeau said it was tied in with new software. Town Manager

Caron said they embark upon a community education program, and all new

homes will have to comply as part of the Certificate of Occupancy (CO)

inspection. K. Marchant said the numbers will be on the site plans. **Council's**

vote, 5-0-0.

RSA 31:95-b - The Receipt of Unanticipated Revenues (State Reimbursement for Flood Expenses - \$85,000) and Expenditure of same for Police Department Machinery and Equipment.

Town Manager Caron explained that the main communication system at the Police Department is consistently

malfunctioning, and is expected to fail imminently. He suggested replacing the

system immediately by using State funds received to reimbursement the Town

for flood repair expense from FY06-07, totaling \$85,000 as discussed at the

Council's May 5 meeting. **Motion to accept the grant funds and to authorize**

the expenditure for Police Dept. machinery and equipment was made by

Councilor Farmer. Second by Councilor Brown with discussion. Councilor

Brown questioned if system will support VISTA Chief Joe Ryan said Motorola

does support the XP system for 7 years after purchase. Councilor Farmer said

Microsoft not sure how long they will support XP, wants to make sure we won't have to change over the system in the near future. A representative from Cencom Communications said Motorola will back the product for XP for seven years. If there is a problem with XP then Motorola will migrate them to VISTA. Discussion ensued about the other proposals for the additional monies for the equipment. **Council's vote 5-0-0.**

Councilor Farmer made a motion to close the public hearing. Second by Councilor Brown, Council's vote 5-0-0.

PUBLIC COMMENT

Interview Candidates for Planning Board Alternate Position - Greg Warner, 10 Pendleton Ln., in the Rolling Meadows condominium; Jim Smith, 31 Elwood Road; and Sean O'Keefe, Mammoth Rd, (who arrived at 8:00 PM after the other interviews were conducted). The candidates were all asked the same questions by Councilors:

What was their knowledge of Planning Board

Any conflicts of interest

Ability to attend both monthly meetings

What was the biggest challenge facing Londonderry

How active is local government planning

If not elected to PB would they be interested in another position on another board

The applicants were told the Councilors will get back to them with their decision.

HB1645 - Town Manager Caron explained that HB1645 is a proposed overhaul of state retirement system. He explained the changes and differences between the House and Senate version of the bill. He was contacted by Councilors this week to prepare a letter listing the Town's preferences. A major concern is the medical subsidy. HB1645 provides for a payment from the special account into the annuity to terminally fund the retirement subsidy for all currently eligible, therefore keeping the State's promise that employers will not be financially responsible for the medical subsidy. The NHRS governance structure should be changed, currently the board is comprised of 14 people, of which 8 are labor representatives. The House version reduces the number of labor reps to 4, and adds additional seats for citizens with financial management and investment expertise. Chairman Bove said he will recuse himself from those issues because he is a state employee and passed the gavel to Vice Chairman Farmer. Al Baldasaro said provisions of this bill dealing with length of service and retirement ages impact prospective employees.

Town Manager Caron said the Towns and Cities suggest not looking at a number to fund the medical subsidy, but rather include a hold harmless provision recognizing any costs passed onto local government for medical subsidiaries are a unfunded mandate. A. Baldasaro said the House bill is better and he supports the Town Manager's letter to the Representatives. Councilor Brown said we are looking at \$339,000 increase in pension contributions to FY10 budget combined with school and town. If this bill doesn't pass we will have an additional \$814,240 that goes on top. Londonderry taxpayers looking at

\$1.15M for FY10 budget for a system that needs to be fixed. Londonderry can't afford to pay for the current system. The make-up of the board should be fair, should be 4 private sector and 4 state employees. Councilor Farmer asked if there has been conversation with the School Board to go along with this. Vice Chairman Bove said he talked to Chairman Herrmann about bringing this up. He requested a copy to be forwarded to Nate Greenberg so the School Board can review it before the meeting. Councilor DiMarco clarified that there are 14 members on the board of which 8 are labor. Town Manager Caron responded that the balance of the Board includes a municipal representative, state treasurer, a state senator, a state representative and three private citizens appointed by the governor. **Councilor Brown made a motion to adopt letter and authorize Council to sign. Second by Councilor DiMarco. Council's vote 4-0-0, with Councilor Bove not voting.**

Naming of New Playground - Recreation Director, Art Psaledas and Lara McIntyre met with the Council to discuss the naming of the new park. The consensus of Council was to call it "Funway Park". L. McIntyre said there were over 100 entries and the library will host all the entries in the Children's Room. The community build group will be working on the park on May 31, rain or shine, beginning at 7:00 AM.

Town Clerk/Tax Collector Meg Seymour said tomorrow they will have been on the new MAAP vehicle registration system for 2 weeks and gave her update. She said they have had some good and bad experiences. She requested feedback from Council. Councilor Farmer asked if the process will speed up, Meg said yes but will take about a year. Councilor DiMarco asked if any time of the day better than another and Ms. Seymour responded she had no way to tell.

Councilor Wagner said covered bridge by Schaeffer Mortgage has graffiti on it. Graffiti is increasing around town, suggested pledging money to reward fund for information to apprehend vandals. Talked to LPD Chief Ryan, police will put an item on their website for donations to offer a reward for the culprits and Crimeline will handle it. Councilors Farmer and DiMarco felt the same, they will both contribute, they both said it was time to be aggressive. Councilor Farmer asked Town Manager Caron to check the RSA's for this type of activity. Chairman Bove said South Rd is a drive-by dump site, and he asked the general public to help out reporting this kind of activity.

OLD BUSINESS

NEW BUSINESS

Resolution #2008-10 – Relative to the Adjustment of Fire Department License and Inspection Fees – First reading by Councilor Farmer, and **motioned to hold a public hearing on 6/12. Second by Councilor DiMarco.** Councilor Farmer asked LFD Chief MacCaffrie to provide a copy of current fee structure with proposed increases. **Council's vote, 5-0-0.**

Ordinance #2008-09 – Relative to Amendments to the Zoning Ordinance Regarding Portable Storage Structures – Councilor Farmer read the first reading, and **motioned to hold public hearing on 6/12. Second by Councilor Wagner.** Councilor Wagner said there was lots of public and board comments at the Planning Board meeting, and she wants general public to be aware they have an opportunity go talk about it. Councilor DiMarco wanted clarification that if a person has a valid building permit for renovations, they are exempt from this ordinance. They could have multiple portable structures during that period. Art Rugg said they are illegal right now because zoning code does not make mention of them. The use has to be in our code to be legal. Chairman Bove asked if there is a difference between dumpster and POD. A. Rugg responded the dimensions are specific in the ordinance, POD is a structure, dumpster is not. If they have a POD they need a permit in a residential zone; it can be there for 6 months and can be extended. Councilor Brown said having a permit gives town ability to do their job on an enforcement basis. Councilor Wagner said the Planning Board compromised with citizens and what individuals want. **Council’s vote, 5-0-0.**

APPROVAL OF MINUTES

Minutes of the Council’s May 5, 2008 Public Meeting.

Councilor Wagner made a motion to approve the public meeting minutes of 5/5/08. Second by Councilor DiMarco. Council’s vote, 5-0-0.

OTHER BUSINESS

Liaison Reports – Chairman Bove went to Housing Task Force had a presentation. Asked John Michels to be put on next agenda to discuss what direction will be taken based on the report.

Councilor Brown – ZBA meets this Wed and will be attending. Budget Committee meets this week on 5/22. Memorial Day parade will be on Monday at 10:00 AM and asked which Councilors will attend. Councilor Wagner asked Town Manager to insure that the sound system will be available at the Town Common.

Councilor DiMarco – MAA original tour of access road will be limited, he will at their meeting this Thursday. The Authority will schedule something on larger scale in future for the access road tour. Upcoming meetings include the Elder Affairs tomorrow, and Heritage Commisson on Thursday.

Councilor Wagner – Planning Board on 5/14 began its workshops on historic taskforce, next one in July. Old Home Day on track. She attended an emergency demolition delay meeting for Hick’s family taking down old barn. It was decided not to save it, and someone expressed interest in it. Historic Society will try to get cow stanchion saved and moved to the carriage shed when it is rebuilt by the Historic Society. She stressed to the general public that they have to get a demo permit to demolish a building.

Town Manager's Report – Town Manager Caron said he notified the Council a few weeks ago that the Town has received a notice of intent to submit a petition to amend Town Charter for tax cap on the budget to be presented at town meeting. Submitted under 49-B:3 which is the Charter revision process, and it should have been submitted pursuant to RSA 49-B:5 which is the Charter amendment process. Once a petition is received, it is reviewed by legal counsel, and then the petitioners are required to obtain signatures equal to 20% of the number of votes who voted in the last municipal elections, or 530 registered voters, within 120 days. Upon receipt, the Town Clerk manages a certification process for the signatures, and then Town Councilors have 30 days to schedule an election, no sooner than 60 days from their decision. There are 11 communities scheduled to receive this petition, and they working together to get same advice and direction from the Secretary of State's Office regarding the available election dates. If it's permissible to hold it on November general election, the Council will have to set the election date prior to Sept. 4. Petitioners will have to have it in at least by the middle of August. Pursuant to state law they have up until Sept. 17 to return the signed petitions with 530 valid signatures to the Council.

Chairman Bove said someone brought this to his attention that we have no municipal transportation in town. He was asked to submit a letter to Mayor/Alderman of Manchester or to Southern NH Planning for potential mass transit of busses for Londonderry/Derry. He said this would be part of route to go to Mall of New Hampshire where there is a connection to other parts of city. Councilor Wagner asked about funding. Town Manager Caron said there typically is significant federal funding involved subsidizing inner city transit, but will have to investigate. Chairman Bove said it is not too soon to be asking the questions in case it does become available. A. Rugg said he is on board of directors for CART explained the group helps disabled/elderly people have transportation. Councilor Farmer said transportation is not a money maker, he advised everyone to have a "go slow" approach.

ADJOURNMENT

Councilor DiMarco made a motion to adjourn at 9:05 PM. Second Councilor Wagner.

Notes and Tapes by: Margo Lapietro **Date:**
05/19/08

Minutes Typed by: Margo Lapietro **Date:**
05/21/08

Approved: Town Council **Date:**