

**TOWN COUNCIL
AGENDA
August 18, 2008**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home.

7:00 PM

I. CALL TO ORDER – PUBLIC SESSION

II. PUBLIC HEARING

- A. Resolution #2008-13 –Relative to the Acceptance of an Emergency Management Performance Grant
- B. Barn Preservation Easement – RSA 79-D.

III. PUBLIC COMMENT

- A. Mark Brewer, MHT Airport Director
- B. Vinny Curro – Londonderry Annual Family Safety Day
- C. NHDOT I93 Salt Reduction Update – Mark Hemmerlin from NHDOT and Eric Williams from NHDES.
- D. Paul Doyon

IV. OLD BUSINESS

- A. Economic Development Activities – Andre Garron
 - a. Order #2008-17 – Relative to the Expenditure of Rte. 28 West Impact Fees for Engineering and Design of the Rte 28 – Page Road Intersection

V. NEW BUSINESS

- A. Order #2008-14 – Relative to the Expenditure of Capital Reserve Funds for Highway Trucks and Equipment.
- B. Order #2008-15 – Relative to the Expenditure of Maintenance Trust Funds for the Highway Garage
- C. Ordinance #2008-10 – Relative to an Amendment to the Municipal Code, Title VI, Section XXVI, Code of Ethics
- D. Resolution #2008-14 – Relative to the Sale of Map15/Lot26, 206 Rockingham Road
- E. Order #2008-16 – Distribution of Cable Special Revenue Funds to Londonderry School District.

F. Ordinance #2008-11 – Relative to Amendments to the Zoning Ordinance Regarding Historic Overlay District

VI. APPROVAL OF MINUTES

A. Minutes of the Council/School District Combined Meeting of 6/5/08 and Council's July 17, 2008 Public Meeting.

VII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager's Report
- C. Board/Committee
Appointments/Reappointments/Resignations
 1. Appointment to the Budget Committee, term to expire 3/10/09.
 2. Appointment of Alternate Deb Paul of the Heritage Commission to a Full Member to replace Ginny Dahlfred, term to expire 12/31/10
 3. Appointment of Pauline Caron to an Alternate position on the Heritage Commission, term to expire 12/31/09.

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, Sept. 15, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- B. Town Council Meeting, October 6, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- C. Town Council Meeting, October 20, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM – FY10 Budget Presentation

First Reading: 8/18/08
Second Reading/Public Hearing: 8/18/08
Adopted: 8/18/08

RESOLUTION #2008-13

*A Resolution Relative to the Acceptance of
An Emergency Management Performance Grant (EMPG)*

WHEREAS the voters of Londonderry approved Article No. 15 at the 2008 Budgetary Town Meeting to raise and appropriate \$100,000 to acquire and install an emergency generator at Londonderry High School Gymnasium to address the Town's emergency preparedness responsibilities; and,

WHEREAS the voters of Londonderry adopted the provisions of RSA 31:95-b under Article No. 18 of Town Meeting March 8, 1994 which empowers the Town Council to apply for, accept and expend unanticipated revenues as may become available throughout the year, and,

WHEREAS the Londonderry Fire Department successfully applied for an EMPG to pay for approximately 50% of grant expenses; and,

WHEREAS grant revenues will reduce the amount of local funds necessary to complete the project;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Emergency Management Performance Grant in the amount of \$45,449.00 is hereby accepted with thanks and appreciation of the Council, and the Town Manager is hereby authorized to execute all documents necessary to carry out the provisions of this Resolution.

Marty Bove - Chairman
Town Council

Marguerite Seymour - Town Clerk/Tax Collector
A TRUE COPY ATTEST:
08/06/08

(TOWN SEAL)

First Reading: 08/18/08

ORDER 2008-17
AN ORDER RELATIVE TO THE EXPENDITURE OF RTE 28 WEST
IMPACT FEES FOR ENGINEERING AND DESIGN OF
THE RTE 28 – PAGE ROAD INTERSECTION

WHEREAS the Town Council recognizes that the intersection of Rte. 28 and Page Road is currently in failure; and,

WHEREAS the Town Council further recognizes that in order to meet its economic development goals, the intersection must be upgraded in order to allow further economic development in the Pettingell/Grenier Field/Jack's Bridge development areas; and

WHEREAS an opportunity exists to partner with the State of New Hampshire to share the cost of the intersection upgrade through the State Highway Aid Construction Program; and

WHEREAS an application must be filed with NHDOT, with evidence of design funding; and

WHEREAS the Town has sufficient funds in the Rte. 28 West Impact Fee Fund to complete the engineering design;

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Manager is hereby authorized to execute all necessary documents to participate in the State Highway Aid Construction Program, (pending future Town Meeting action on construction costs), and that the Treasurer is hereby ordered to transfer up to \$175,000.00 from the Rte. 28 West Impact Fee Funds to complete the engineering design.

Marty Bove - Chairman
Town Council

Meg Seymour

Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
08/18/08

First Reading: 08/18/08

ORDER 2008-14

An Order Relative to
***THE EXPENDITURE OF CAPITAL RESERVE FUNDS FOR
HIGHWAY TRUCKS AND EQUIPMENT***

WHEREAS voters have created Capital Reserve Funds to systematically plan for the replacement of its Fire and Highway vehicles; and

WHEREAS the Town needs to replace a six wheel dump truck and front end loader as contemplated in the Highway Department's replacement schedule; and,

WHEREAS it has been determined that sufficient funds have been appropriated by the voters to the Reserve Funds;

IT IS THEREFORE ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed and authorized to expend, and the Town Manager is authorized to execute all documents necessary to complete the following transactions:

Highway Truck Capital Reserve:

Six Wheel Dump Truck	Liberty International Trucks	\$ 43,486.00
Dump Body/Spreader	Howard P. Fairfield, Inc.	\$ 59,891.00

Highway Heavy Equipment Capital Reserve:

Front End Loader	Chadwick-BaRoss, Inc.	\$103,200.00
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Marty Bove - Chairman
Town Council

Marguerite Seymour - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
08/18/08

First Reading: 08/18/08
Second Reading/Public Hearing: waived
Adopted: 08/18/08

ORDER 2008-15
AN ORDER RELATIVE TO THE EXPENDITURE OF
MAINTENANCE TRUST FUNDS FOR THE HIGHWAY GARAGE

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

WHEREAS the Highway Division has identified the need to enhance its salt/sand storage capacities at the Highway Garage; and

WHEREAS the project has also required the expenditure of funds for subsurface exploration at the Highway Garage;

NOW THEREFORE BE IT ORDERED by the Town Council that the Town Treasurer is hereby directed and authorized to expend, and the Town Manager is authorized to execute all documents necessary to complete the following transactions:

Test Borings	NH Boring, Inc.	\$ 1,500.00
Construction of Salt/Sand Shed	Park Lane Construction	\$197,808.00

Marty Bove - Chairman
Town Council

Meg Seymour

Town Clerk

(TOWN
SEAL)

A TRUE COPY ATTEST:
08/18/08

First Read: 8/18/08
Public Hearing: 9/15/08
Adopted: x/xx/xx

ORDINANCE 2008-10
***AN AMENDMENT TO THE MUNICIPAL CODE,
TITLE VI, CHAPTER XXVI, CODE OF ETHICS***

WHEREAS there is a need to amend guidelines for the ethical standards of conduct for Town Officials, Board Members and Employees;

WHEREAS it is important that the public have confidence in the integrity of its government and that Town Officials, Board Members, Volunteers and Employees have an opportunity to protect their personal reputation;

WHEREAS the community interests are best served by clarifying which situations fall outside of the definition of a direct or indirect pecuniary interest;

WHEREAS the Town Council has the authority pursuant to state statute and Town Charter to enact such regulations;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that Title VI, Municipal Code of the Town of Londonderry, Chapter XXVI Code of Ethics, is hereby amended as attached.

Marty Bove
Chairman - Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
xx/xx/xx

Town Seal

CHAPTER XXVI CODE OF ETHICS

SECTION I PURPOSE

The purpose of this code is to provide an educational tool and to establish guidelines and community expectations for the ethical standards of conduct for town officials, board members and employees. 11

- Town officials, board members and employees (defined as an elected town official, a volunteer appointed by the Town Council, and a person who is an employee of the Town, one who is paid for their service, but who is not an independent contractor -individually and collectively know hereafter as Community Officials) shall act in the best interest of the town. 10
- Community Officials shall remove themselves from decision making if they have a conflict of interest. (A conflict is when a Community Official votes or acts on a matter in which they have a direct, immediate and definite personal and pecuniary interest, which is capable of being demonstrated.) 1,8
- Community Officials shall be impartial, and responsible to the community in their actions. 10,11
- The town's official decisions and policies shall be made through the proper channels of government as established by the Town Charter and Ordinances, and State Statutes. 1,8
- Public office, a volunteer position or town employment shall not be used for personal gain.

1,7,8,9,10

This code establishes guidelines and expectations regarding potential ethical issues, and it establishes a course of action for bringing complaints.

SECTION II CODE PROVISIONS

A. No Conflicts of Interest

Community Officials of the Town shall avoid conflicts of interest. In such instances, you shall recuse yourself from discussion and decision-making. (Recusal means to remove yourself completely from all further participation

in the matter in question.)^{1,8}

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION II CODE PROVISIONS (Cont'd.)

A. No Conflicts of Interest (Cont'd.)

Community Officials or members of their families having professions outside their relationship with the Town that routinely do business with the Town of Londonderry shall not be awarded any work, of any value, except that it be done through a complete and open competitive procurement process. (Family is defined as a Community Official's lineal ascendants, lineal descendants, adoptions, siblings and offspring, a Community Official's spouse, the spouse's lineal ascendants, lineal descendants, adoptions, siblings and offspring, members of the same household, and participants in a Civil Union as defined under RSA 457-A.)^{2,8,9}

B. A Duty to Recuse in Quasi-Judicial Actions

A "quasi-judicial action" is any action where the board or committee you are a member of is acting like a judge or a jury. For example, when your board or committee has a duty to notify the potential parties, hear the parties, and can only decide on the matter after weighing and considering such evidence and arguments as the parties choose to lay before you, you are involved in a quasi-judicial action. The work of the planning and zoning boards is largely quasi-judicial. Community Officials are expected to recuse themselves if a conflict exists or if they believe they cannot for any reason be totally fair and impartial. ^{1,9}

C. A Duty to Disclose

As a Community Official, you shall make full disclosure and not participate in the conduct of business on behalf of the town or enter into discussion or deliberation of any matter if you have a financial interest, direct or indirect, in any planned or existing contract, job, work or service to be performed for the Town or voluntary sale to the Town of any land,

materials, supplies, equipment or other property.¹⁴

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION II CODE PROVISIONS (Cont'd.)

C. No Unfair Personal Use of Town Property

No Community Official shall use town property, services, or labor personally, or make the same available to others *unless* such use is available to other residents upon request on equal terms. ^{3,7,8}

D. No Misuse of Confidential Information

No Community Official shall use any confidential information acquired by virtue of that individual's official position for personal benefit, or for the benefit of any other person or business. This does not apply to information which is readily available to the general public. ^{4,8,10}

E. No Improper Gifts

No Community Official shall accept a gift (or allow acceptance of such gift by a family member) from any individual, group, or corporation which has *or is likely to have* a matter pending before the employee, board, committee, or commission on which the Community Official serves. (This provision of the code is not meant to apply to gifts traditionally exchanged between family members, or for those gifts normally exchanged during the holiday season with a value of less than \$25.00.) ^{5,8,9}

F. A Duty to Cooperate

All Community Officials shall cooperate with the Appointing Authority regarding any complaint or inquiry alleging violation of this Code of Ethics.

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION III REPORTING PROCESS

Any resident of the Town who believes that a Community Official has violated this Ordinance may report the alleged violation to the Community Official's Appointing Authority using the attached form. The Appointing Authority is:

- A. For all employees, the Town Manager ¹³
- B. For the Town Manager, the Town Council ¹³
- C. For all appointed board, committee and commission members, the Town Council ¹²
- D. For a member of an Elected Body, the Elected Body on which the member serves. An elected body, other than the Town Council¹⁵, has no disciplinary authority over the actions of its individual members. Citizens, however may utilize Section 7.6 of the Town Charter, Recall of Officeholders. ⁶

The Appointing Authority shall investigate alleged violations and act as appropriate within the procedures established within state statute, the Town's Personnel Policy and/or Collective Bargaining Agreements.

SECTION IV DISTRIBUTION

This Ordinance shall be made available to all Community Officials upon their submittal of a letter of interest to serve the community or filing for elective office. Upon election or appointment, the Community Official shall then sign a form acknowledging receipt of same. At least annually, the Town Council shall schedule sessions with Community Officials to review this Ordinance.

SECTION V EXCLUSIONS

The provisions of this Code of Ethics shall not be interpreted so as to prevent:

- A. Any Community Official who is a resident of the Town of Londonderry from fully participating in any Town Meeting;
- B. Acceptance of donations for the expressed purpose of financing a political campaign, provided such contributions are reported in accordance with all state and federal laws which pertain to such donations; 9

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION V EXCLUSIONS (Cont'd.)

- C. Participation in a matter which relates to a person or business from which a Community Official has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business;
- D. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments; and,
- E. Supervisors of Town employees from appropriately carrying out personnel policies.
- F. *Any Community Official who provides volunteer services to a charitable organization from participating in a matter which involves an individual who may have made a contribution to that charitable organization.*

Employees and volunteers under the direction of the Leach Library Board of Library Trustees, and Community Officials elected, hired or appointed by the Londonderry School District, School Board and/or Superintendent are not subject to the provisions of this code.

This Code is adopted pursuant to RSA 31:39-a; which requires that affected officers and employees shall be exempt from the provisions of this Ordinance. The exemption shall be for a period no less than one year. As all of this Code's provisions are rooted in current state statutes or current local ordinance, this provision does not allow community officials to rely upon the exemption and disregard the underlying regulation.

Annotations:

1. **Town Charter, Article 6, Conduct of Officials**
2. **Town Charter, Section 6.3 Disqualification from Decision Making Process**
3. **Town Charter, Section 6.4 Private Use of Town Property and Personnel**
4. **Town Charter, Section 6.7 Misuse of Information**
5. **Town Charter, Section 6.5 Acceptance of Gifts and Gratuities**
6. **Town Charter, Section 7.6 Recall of Officeholder**
7. **Municipal Code, Title VI, Chapter XXV, Fraud Policy**
8. **Municipal Code, Title VI, Chapter VI, Section X Ethics in Public Purchasing**
9. **RSA 640 Corrupt Practices**
10. **RSA 643 Abuse of Office**
11. **RSA 31:39-a, Conflict of Interest Ordinance**
12. **RSA 673:13 Removal of Members, Local Land Use Boards**
13. **Town Charter, Article 4, Town Manager**
14. **Town Charter, Section 6.2 Conflicts of Interest**
15. **Town Charter, Section 3.3 B. Removal of Councilors**

**TOWN OF LONDONDERRY
CHAPTER XXVI CODE OF ETHICS
COMPLAINT FORM**

Please complete this form legibly and in as much detail as possible. Additional pages may be added:

Your Name: _____

Address: _____

Phone (Daytime): _____ (Evening): _____

Person(s) against whom this complaint is made:

_____ (Department/Board/Committee): _____

_____ (Department/Board/Committee): _____

Description of the complaint in detail:

(Use more paper and attach, if necessary.)

With my signature, I declare that the statements made above are accurate and truthful to the best of my knowledge.

Signature

Date

Completed forms should be sealed and delivered to the Town Manager's Office. If the complaint involves a Town Employee, the envelope should be addressed to the Town Manager; if about the Town Manager or an appointed Board or Commission member, please address to Chair, Town Council. If the complaint involves an elected official, please address to Chair or Vice Chair of that elected body (e.g. Town Council, Budget Committee, etc.).

First Reading: 08/18/08
Second Reading/Public Hearing: Waived
Adopted: 08/18/08

RESOLUTION 2008-14

Relative to the
Sale of Lot #15-26
(206 Rockingham Road)

WHEREAS the Town leases town-owned property on Rockingham Road to the Manchester YMCA; and

WHEREAS Said lease allows the YMCA to purchase the property from the Town for a purchase price of \$200,000; and

WHEREAS the YMCA has notified the Town of its intent to exercise its option to purchase the property;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town Manager is hereby authorized to execute all documents necessary in order to convey Map/Lot #15-26 to the Manchester Young Men's Christian Association for the price of \$200,000.00.

Marty Bove, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
08/18/08

ORDER 2008-16

An order relative to

Distribution of Cable Special Revenue Funds to the Londonderry School District

First Reading: 08/18/08

Second Reading: Waived

Adopted: 08/18/08

WHEREAS the Town of Londonderry maintains a Special Revenue Fund to finance the activities of the Cable Division; and,

WHEREAS the Londonderry School District has expanded its video curriculum and use of the Access Center; and,

WHEREAS the School District's programs increase awareness and use of the Access Center and create opportunities for additional volunteers at the Access Center; and,

WHEREAS the Cable Division wishes to encourage increased use of the Access Center and provide a grant to the School District to purchase equipment for its program;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town Treasurer is hereby directed and authorized to expend, from the Cable Division Special Revenue Fund, the sum of \$7,500 for a grant to the Londonderry School District to assist with its video curriculum program.

Marty Bove - Chairman
Town Council

Marguerite Seymour - Town Clerk/Tax Collector

(
TOWN SEAL)

A TRUE COPY ATTEST:
08/18/08

Introduced: 8/18/08
Second Read/Pub Hrg: 9/15/08
Adopted: xx/xx/xx

ORDINANCE 2008-11
RELATING TO AMENDMENTS TO THE ZONING
ORDINANCE REGARDING HISTORIC OVERLAY
DISTRICT

WHEREAS the Historic Properties Task Force developed a report outlining strategies for the preservation of historic properties in the community; and

WHEREAS said strategies have resulted in proposed amendments to the Zoning Ordinance to meet the goals of the Task Force and the community; 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 addition of Section 4.1.7 (Special Exceptions for Historic Structures), revisions to Section 4.1, and other miscellaneous revisions to various sections of the Ordinance to further the preservation of historic structures in the community.

Marty Bove
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/08

Town Seal

**JOINT MEETING
TOWN COUNCIL/SCHOOL BOARD
June 5, 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.

SCHOOL BOARD: School Boar members Steve Young, John Robinson & Ben Parker; Peter Curro, Supt. Nate Greenberg.

CALL TO ORDER – PUBLIC SESSION

Chairman Bove opened the meeting at 7:10 PM with the Pledge of Allegiance. This was followed by a moment of silence for the recent deaths of prominent citizens in the town as well as for the men and women fighting for our country.

COLLABORATIVE EFFORTS

Review Ongoing Collaborative Efforts Between the Town and the School District and Identification of Service Areas to Study for Possible Future Collaboration - Town Manager Caron distributed a 10 item list of collaborative efforts already in place with the Town and School. Chairman Bove reviewed those items. Goal of Town Council is to find other areas. Steve Young asked N. Greenberg for the list comprised by the School Board recently. He responded the areas considered for consolidation were IT, Access Center, Facilities, HR, consolidation of School Office/Town office use.

Councilor Farmer suggested looking at parameters, realize some efficiencies then it is worthwhile to discuss change. Just moving from one ledger to another not worth it. Want the cost savings associated with the change discussed. Chairman Bove said that nothing tonight will affect budget, just asking School and Town to look at ideas, no reductions tonight. He stated that if no significant savings to be realized, there is no reason to make a change. The reason for tonight's meeting is to give direction to Dave and Nate to go forward and study potential consolidation areas. Councilor Wagner asked Town Manager Caron what his thought was for the Town side. He responded that when Nate and school/town staff met they talked about looking at IT, Access Center, Facilities Management, ensuring that the town and school have the right for first refusal on surplus equipment, collaborating for purchases mostly like paper, bid out annually for roads, salt and gravel and making sure the school can purchase at our price; joint implementation of GASB 45. Councilor Wagner said due to fact that Nate and Dave have been talking, work with what they have talked about.

Councilor Brown stated he is looking tonight to have consensus on what areas we want Dave and Nate to look at, wants a number for those goals. John Robinson said we need to begin a process to determine overlapping areas. Not prepared yet to make a decision, need Nate & Dave to talk. He said it is too early to determine the areas & functions and amount. Councilor Farmer said he looks at the dollar figure and areas where there are joint possibilities. We have HR on the Town side and on the school side, what is total of both of those depts. How many people would be needed to handle both sides? That is the kind of focused objection that he would like to assign to both Dave and Nate. Finance in general with a joint financial services office could they be combined to handle both town and school and what would the staffing level be. That is the kind of things he is looking for in a combined \$90M budget. Councilor DiMarco wants to identify at least three areas like that to send Nate and Dave off to research further. IT and Facilities are areas that he thinks could potentially be combined. HR is another one. Steve Young said don't look at small amounts, it is a waste of time. Look at a percentage of the budget like \$1M. It could lead to an increase in services due to cooperation. He used the Cable Station as an example by offering classes there instead of sending the students to Manchester. Energy Conservation is area he would like to see a shared interest; shows cut in budget and focuses on services. Councilor Brown said he was unable to attend the School Board meeting and wanted to know what the outcome of it was. Ben Parker said the standing order from the School Board to the Supt. is that in any point in time if he identifies any inefficiency in the budget, or duplications it should be brought to the attention of the School Board and they will act accordingly. Consolidation of services becomes more problematic because we are an independent school district, you are a town, the service rendered by each function is different. We are still interested in looking at that possibility. He explained that the three directives given to Nate as a result of that meeting are inefficiency immediately brought to our attention; ways to use combined purchasing efforts for commodity items; operational efficiencies in personnel. Chairman Bove said if we come up with a figure how much comes out of whose pocket. If decreases by Town results in increases in School would they be willing to accept that. We can't make that decision for the School. We should be setting the ground work for Dave and Nate to be instructed to look at where they can save. Ben Parker said they go through a budget process; it is a 60 day process does not want to do it twice. Can't make cuts in budget unless we cut services which is done in the budget process. Councilor Farmer agrees, Town Council does same thing in budget process on town side. He wants to identify areas that we can begin the study process of looking at certain functions in a joint area. Identify a service level increase a service level without increasing cost. Councilor Wagner said there is a possible financing share and all the energy software was being offered to the Town by the school. She stated that in the CIP plan the new SAU Office is a high priority for FY10. Mention was made that instead of building a new building to overhaul the existing building connecting to Town Hall. If we cut the costs of the SAU it would cut cost of bond. She wants to see them work on large savings. Town Manager Caron

clarified that Steve Young talked about consolidating the office space. He said the conference rooms in Town Hall are always used by the school district during the day time, another example of collaborative efforts on how we share space and services. Councilor Farmer said the SAU is in the CIP for \$1.5M he said it is a worthwhile study area to see if existing SAU bldg could be re-vamped. John Robinson agreed with looking at “non core areas”. School athletic departments and many youth sports programs have savings. Chairman Bove said Dave and Nate should be looking for joint areas where they can save us money. Councilor Farmer said we should tell Nate and Dave an amount, set a financial goal, address it in the budget season. Councilor Brown agreed with Councilor Farmer and said they can come back and tell if that number will work. John Robinson said that one thing that George Herrmann, Chairman of the School Board, mentioned in the past is the idea of a “stretch goal” and agreed with Councilor Farmer. Ben Parker said he thought the process for tonight was to identify new process to save the town/school money. He used the Special Education program as an example of doing something differently. Establish new processes to save money. Steve Young made a motion to the Superintendent to continue to find day-to-day synergies in the operation of SAU 12, the School District and the Town of Londonderry functions in order to save funds and increase revenues and services. Need a reporting structure on that during budget season. The Superintendent needs to clarify areas where we can save money during the budget process. He said he was more interested in sharing specific direction this evening. He asked if the school shares energy conservation program what would it cost, Nate responded he couldn't tell him off the top of his head but we would be looking at establishing baseline data, which the Town Manager is currently doing; check efficiencies. The school hired an individual who physically goes around to make sure things are done; minimal costs. Cost avoidance results in up front costs. Had up front costs to net \$2.4M in savings in three years for the energy conservation program. Ben Parker mentioned the AP programs and “Operation Running Start” as cost savings benefits. Steve Young mentioned the adult education classes as well. Chairman Bove suggested using students getting a stipend to do work at the Town Hall. Councilor Farmer said we still offer excellent services and keep the taxes low. Would like to have a financial target it is more important than lists. John Robinson agreed with Councilor Farmer. Would like to set a goal of \$3M over next 2-3 years, savings in cost savings or cost avoidance. Chairman Bove asked if the School District is interested in setting a target tonight. Councilor Wagner said no, she wants Nate & Dave to come back with what they though the savings should be. Steve Young said we asked Nate to set a goal during the budget season; he comes back and gives it to us. Then we set a number and he comes back to us. Let Dave & Nate come up with a goal. Councilor DiMarco agrees with Councilor Wagner and Steve Young, let Nate & Dave come up with figure. Councilor Farmer asked Dave & Nate what type of direction they would like, amount of a directive or a goal. Town Manager Caron responded the goal is to look at consolidating services; we have identified 4-5 common areas. If you look on the Town side our entire budget for IT, Access Center, Facilities

Personnel, HR Personnel and Finance Personnel is \$1.01M dollars. Have direction to reduce budget every year, inefficiencies have been already looked at every year, large savings are not there unless you want to adjust service levels. Supt. Greenberg said he is in agreement with Dave; we have a good idea as to what both boards are looking for. We will look at process and procedures to see if we can provide same or better level of services and be more efficient. We will also look at other areas to see if we can find cost avoidances. Leaving it open for Dave and him to find areas that we can combine or a more unique way to provide service. People are not looking for a diminishing of services. Some actions we can take can benefit some people. Can do an analysis and come back with suggestions. Councilor Brown said that he had hoped that we could come to a dollar amount, important to have collaborative effort to save taxes. The consensus was to have another joint meeting the middle of Sept. and have Nate and Dave offer their suggestions. Ben Parker said we are getting a lot for our money, and not wasting money.

Chris Oliverio, 11 Trolley Car Lane asked if this was first time the School Board and the Town Council has met. He also asked if progress was being made on the list of collaborative efforts. Councilor Farmer clarified that the items listed are in force now, they all ready exist. Councilor Wagner asked how much was the total savings on all the existing collaborative efforts. Chairman Bove said the list involves several years, savings shows in the budget season. Councilor DiMarco stated that it was hard to quantify a dollar amount because we are two different entities. Steve Young informed Mr. Oliverio that we have had joint meetings in the past. This is the first time the two boards have come together for this one issue. Nate listed all the usages that the Recreation Commission and the School use together. Councilor Farmer asked Dave and Nate to come up with an estimated figure in Sept. for items listed on the joint collaborative list. Cindi Rice Conley stated that we made a lot of progress, applauded the Town and School District for what they are doing and what they are attempting to do. Pam McFarland, 4 Buckingham Drive said the economy is going up, can't afford taxes to live in this Town. Cut service and cut staff. Deb Nowicki, 89 Fieldstone Terrace, Budget Member, stated she thought tonight we were supposed to come here with 5 ideas that were the topics tonight. Cost avoidance good idea, look at it jointly to bring a trend savings and go forward. Plan forward to save money. Councilor Farmer said what you saw was a consensus, when Nate and Dave come back in Sept. they will talk about specific ideas that we brought up.

ADJOURNMENT

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

Notes and Tapes by:
06/05/08

Margo Lapietro

Date:

Minutes Typed by:
09/08

Margo Lapietro

Date: 06/

Approved:

Town Council

Date:

**TOWN COUNCIL
AGENDA
July 17, 2008**

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

PRESENT: Town Council: Chairman Marty Bove (7:08PM); Vice Chairman, Brian Farmer; Councilors Kathy Wagner, Paul DiMarco and Mike Brown; Town Manager, Dave Caron; ATM/F&A Dir., Sue Hickey and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Vice Chairman Farmer opened the meeting at 7:05 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country and the police and firefighters who protect our community.

PUBLIC COMMENT

Interview of Mike Gallagher for Alternate Position on ZBA - Councilor Brown asked about what he learned with the Leadership Londonderry Class and queried him on his knowledge of ZBA. Councilor DiMarco asked about time commitments. Chairman Bove asked him if he had any interest in serving on other boards; he replied he would be also be interested in the Planning Board. Councilor Farmer asked if he had any conflicts of interest, Mike responded no. **Council's vote to appoint as an alternate to the Zoning Board, 5-0-0.**

Interview of Joseph Green for Budget Committee – Joe reviewed his background for the Council. Councilors DiMarco and Wagner both asked if he had any time limitations, he responded no. Councilor Farmer asked what his role was in Boston and also asked for his philosophy on budgets and taxes. Joe responded he a Division Manager for Tedeschi Food Shops; supervises a staff of 110 employees. Has been a member of the Beacon Hill Business Associations Executive Committee, the Cambridge Street Community Development Committee, Mass. Ave. Shines Neighborhood Group and has worked closely with Mayor Menino. He is presently VP of 11-12 year old Boys Baseball for LAFA, coached baseball, basketball, and soccer. He stated he is conscious of the fiduciary process. He is aware of the particular needs of the community. Budget Committee Chair, Jaye Hooley said if Mike can make the commitment to the time involved in the Budget Committee, they would gladly accept his service. Chairman Bove asked if he had any interest in serving on other boards, he replied Recreation Dept. Chairman Bove explained the application deadline for this position is August 1, and they would wait until that date to make an appointment.

Chairman Bove thanked both candidates for their interest in volunteering for the Town.

Brookview Circle Mitigation Efforts – Town Manager Caron explained the flooding events on that street. He explained he has been meeting with the homeowners and with the State Office of Emergency Management to possibly obtain funding sources to help mitigate the problem. He was here tonight to obtain permission from Council to continue working with the residents. Bobbie Fosmire 13 Brookview Dr. and Richard Verville from the State Hazard Mitigation were in attendance. B. Fosmire said he and the homeowners were here tonight to appeal to the Council for help to identify potential mediation solutions to their problem. The eight homes in the neighborhood have been built in a flood district, and have been flooded 27 times in the last 33 years. He stated that he and the neighbors have met with the Town Manager, former Congressman Jeb Bradley's aids, and Congresswomen Carol Shea Porter. The Army Corps of Engineers did a second study of the area and met with them recently and stated they still could not help them because road was built between two brooks. Richard Verville from the State Hazardous Dept. said his office administers FEMA programs in NH. FEMA grants are available to communities as the applicant, but not to individual residents. There are three grants that seem to fit this type of mitigation. They involve acquiring the homes, removing them and property becomes owned by the Town as open space and can never be built on again. The pre-disaster mitigation grant program which is an annual program provided by FEMA, typically about \$100 - \$150M annually provided by state that typically acquires homes, elevates homes to reduce flooding risks. Application from Londonderry would compete with other communities in the nation for these funds. NH received just over \$1M in pre-disaster mitigation money. The second program for those who have flood insurance is Flood Mitigations Assistance. Same type project: involves acquisition of home, elevation of homes to mitigate flooding hazards. State has a small allocation annually, approximately \$500,000. A home on that street has made the severe repetitive lost property list; town has a better chance of receiving funding through any of these programs because of that house. He explained that the pre disaster mitigation grant provides 75% federal funding, 25% local match. The match does not have to be hard cash, but can be in-kind services or donations. Community Development block grant money can be used to match funds. The match requirements under flood mitigation program are 90% federally funded for homes protected through policy from National Flood Insurance Program with 10% local match. Chairman Bove asked how many properties are affected; B. Fosmire said 8 houses, four to be acquired, and four which can be elevated. He asked for an estimate of what that would cost. R. Verville stated the grant program has been opened, needs to show effort between residents and town government. He suggested having a committee develop the application to get the cost; will have several workshops in the next months. Final cost is usually fair market value of the homes, participation is voluntarily. Chairman Bove asked if any people in Windham experience this problem with Beaver Brook, R. Verville said at this point in time no applications from Windham. Gerry Gleason of Brookview Circle said Windham is only affected by a dam, and the homes are located on higher ground in Windham which are not impacted. Councilor Farmer verified that Council is being asked to give consent to work with the community and state for grants, and identifying the costs. He asked if the

4 property owners who are the most adversely affected are here tonight, B. Fosmire responded they are in attendance. Councilor Farmer asked them if they were willing to participate in this grant. All four homeowners are in agreement. Gerry Gleason said they are worried about development at South School because of its close proximity to Brookview Circle. R. Verville stated that the homeowners on Brookview Circle are not committed to be part of the grant however once the grant is awarded you cannot add to it. He stated if anyone in Town has a water problem they should be part of this application process. Additional applications can be grouped by sections of town. Councilor Wagner asked how the price of the home is determined. R. Verville said usually done by a realtor, fair marked value in the area. Councilor Bove asked if this area could be part of the I93 widening, R. Verville responded no. Councilor DiMarco said he supports taking to the next step, asked if other heavily hit areas going to get more money than NH. R. Verville responded Hazardous Mitigation Program is driven by declared disasters. He responded these events will not take away from funding available to NH, and stated that Congress is increasing funds to \$250M. Chairman Bove asked if state has done this in Allenstown, R. Verville said this is first time they have been working in acquisition programs. First year they have had successful applications from the acquisition area. Deadline for local applications not set yet, probably mid-November. Town Manager Caron said tonight he is looking for authorization to proceed and to prepare the application, and he will return back to the Council with a draft application, including estimated costs. Councilor Brown asked how their homeowner's insurance policy has handled the situation in the past. B. Fosmire responded flood insurance addresses any claims, not the homeowner's policy. Many are required to obtain flood insurance for mortgage. He was told when he purchased the home that it was in a flood zone "B", which he interpreted as not a problem. Now in the past 10 years it is a flood zone "X" which is the most severe, flood prone zone. Jane MacDonald said she has flood insurance, which costs about \$12K a year, does not cover content because it is in a basement. Councilor Brown clarified that there will be a local match, Town Manager Caron responded yes. Councilor Farmer requested the Town Manager come back after the workshops with preliminary costs in September before budget season. Chairman Bove asked how do we pay, Town Manager Caron said the 4 houses scheduled for demolition have a total assessed value of \$886K, and a 10% - 25% local match on those four would give the Council a sense of what the local match may be. There would be additional costs to elevate the other four homes. Demolition costs are not significant. Town Manager Caron was directed to move forward with application, with a goal of returning back to Council in September with more information. R. Verville urged the Town to submit a letter to the state for access to the FEMA e-grant system. The homeowners thanked the Council for their help.

Gerry Adams, 54 Hall Road – Gerry and Claudette Adams were in attendance to complain about cars partially under water, with an oil sheen at Murray's Junkyard belonging to Mr. Dudek on Hall Rd. He showed pictures of the cars. He said complaint was made to DES to Mr. Carrigan, who is now on vacation. His supervisor is Carl Woodbury, provided his telephone number of 271-2891 if anybody wanted to check with him. The original complaint was allegedly made by a customer. Councilor DiMarco asked when the picture was taken, G. Adams responded 6/30 by a DES employee named

Carrigan. Councilor Farmer asked Town Manager Caron if he knew of this, he responded it was the first he heard of it, but he will call DES in the morning to obtain more information. Mr. Adams said he submitted a complaint on 6/10 at 6:15 AM about trucks that had running engines on behind the gate, heard the slamming of metal parts, called police and it was verified. Received an e-mail from Frank, a summons was issued for a \$275 fine because the owner plead guilty. On 7/8 at 7:10 AM same thing happened – slamming of metal parts- called LPD who witnessed same thing. Frank replied that Mr. Dudek will be summoned at increased penalties provided for in the statute. He tried to get copy from Derry District Court, but could not get a copy of it in time for tonight’s meeting. On 7/10 at 7:21AM a dump truck was on the property, called police. Councilor DiMarco said he has police scanner, heard the call come through, drove past the property. Police said they found Mr. Dudek working quietly in his office, he didn’t know dump truck was there. Councilor DiMarco said he drove past, saw Mr. Dudek talking to the truck driver, the engine was off, garbage truck coming up the road at the same time, did not see anything out of the ordinary. Mr. Adams said tow trucks constantly making delivery after hours, has 14 pages of complaints, gets no response to them other than Frank looking into it, complaints go back to March. As recently as Tuesday night it happened at 9:12 PM. Chairman Bove asked Town Manager Caron if he has seen the whole list of complaints, he responded no. Chairman Bove asked Mr. Adams if he had made those formal complaints, Gerry responded yes. He called Mr. Caron about the opening on Saturday mornings for one month prior to signing the new agreement. At meeting of 5/5/08 he asked Mr. Caron if he checked on his complaints, he responded yes, they are illegal. On 5/4 on Sunday he made a comment to Councilor Brown that the gate was open, truck was there for an hour and a half. Councilor Brown said on 6/10 and 7/8 Mr. Adams called police and summons issued and paid on first summons, second infraction a summons issued for \$550. Councilor Brown stated enforcement was followed, the process worked per the agreement. These violations may be considered during the licensing renewal. Councilor Farmer said the Town is creating a record. G. Adams said the owner is also establishing a trend. He said that construction is taking place and a sign on post says “55”, new sign added by construction company advertising their work. Court order says no signage. Received an e-mail from Frank referring to a regulation, Mr. Adams believes the court order supersedes the regulation. He recently called about cars above fence, showed two pictures taken that day, Frank said it was unfounded. He said he has a stack of things from Frank basically telling him that he has misinformed the Council or misquoted, altered the negatives, etc. When he sent him the information about the most recent violations, he told me the owner of that property was going to be fined at double the rate. Frank all of a sudden became his buddy, doesn’t know how that happened. He said “this is where we we’ve been trying to get to”, Mr. Adams said it took a long time. He said Mr. Bielinski has supported him, finds it unnerving that the situation regarding him seems almost vengeful. Mr. Dudek made a phone call to Mr. Holdsworth about something happening on Mr. Bielinski’s property and he received a nasty letter from the Town Attorney, it sounded vengeful to him.

Ed Dudek, Murray’s Auto Recycling – Mr. Dudek requested that the Council remove hours on his business or change them. Would like to change hours from 8 AM – 5:00 PM to 7 AM -7 PM, because it is hard to run the business with construction on Rt. 28.

He said he does not understand complaints about noise. He had requested Frank complete a noise test with noise meter, which results show that sound is very low, does not break any laws. Nobody else in the neighborhood complains. The truck Mr. Adams was complaining about was a construction vehicle with fill; he never heard the truck. The sign is not his; it was put up by the construction company working on his property. Regarding the water issue, he said he has been in touch with DES and John Trottier in Public Works, something is going on with the bridge, it is an engineering issue with water flows and beavers. Councilor Farmer asked Town Manager Caron to contact John Trottier and talk to NH Fish and Game as well as DES. Mr. Dudek said he talked to Carl Woodburry, the supervisor at DES. The LeBlanc's live next door to Adams, they don't complain. Chairman Bove asked Town Manager Caron if there is a process we would need to follow to consider the request to change hours of operation. Town Manager Caron advised the Council that if the request is not to be considered, then no public hearing is necessary. If you do consider the request, he will check with Town Counsel to see if the Council can re-open the license application. Councilors Farmer, DiMarco and Bove said they would like to have the information before considering changing the hours. Councilor Brown said the revised agreement made it less burdensome on Mr. Dudek, tried to find a good balance comparing him to other business in town. He wants to keep the existing agreement in place until March to see how it went particularly with violations in place. Chairman Bove said because business hours of operation was a vital part of the licensing, he doesn't want to change in the middle of the licensing year. Councilor DiMarco said he agreed with Councilors Brown and Bove. He asked if there was anyway to notify vendors hours of operation and telling them can't arrive early/late. Ed Dudek said he needs one day a month to open at 7:00 AM. He stated again that he is being harassed by the Adams', if noise is so bad, no one else complains. He asked if anybody else in the town complains about him. He said none of the other 3 junkyards in town have time restrictions, one is also in a residential zone, and they don't have restrictions like he does. Councilor Wagner stated that Council bent over backwards and asked you what we could do to work with you. Should have told us you needed one day a month, not comfortable with opening up licensing process again. Councilor DiMarco said we need to look at specifying operation hours versus business hours. He has no problem with him going to his business at 2 AM doing his own quiet business would like to wait until March about changing hours. The Council agreed to wait until the Town Manager learned about the license reconsideration process before making any decisions.

Richard Belinski - R. Bielinski said Mr. Dudek was brought to Derry District Court a few years ago; he was palletizing parts after hours. The judge said if doing paperwork OK, palletizing parts after hours is not. R. Belinski talked about the May 5 Council meeting at which time this issue was discussed before the advisory time. He talked to David Scanlon at Office of Secretary of State and to Attorney Hiltz at Dept. of Justice. The 5/5 meeting was illegal because didn't have conditions drawn-up, conditions were new conditions. Whole new set of conditions were brought up on 5/5 should have been brought up to a new public meeting. Dave Scanlon wanted to know why conditions were "back doored". The 5/5 meeting had issues on code enforcement, he was told he needed complaints in writing, he did written complaints and never got answers back. On 6/08 Frank said he got complaints about R. Bielinski from 4 phone calls. He asked F.

Holdsworth who made complaints, he did not give him that information. No formal compliance, just phone calls received off the web complaining that he had a secondary housing unit in his yard. Got letter from Frank Holdsworth followed up by a letter from lawyer. He spoke to Dave about second letter, heard from no one. He proceeded to read the letter from Frank, dated 6/9/08, about motor home, letter does not say he is in violation. He said he spoke to the attorney at Upton and Hatfield who wrote the second letter and when they got done with their conversation he said the attorney said that the letter does not mean anything, it is totally wrong. Letter from Upton Hatfield, dated 6/25/08, referenced a motor home; he proceeded to read the letter. R. Bielinski said it is a class "A" 34 ½ foot motor home, a self-contained registered motor vehicle owned by his father. The letter said he was in violation of Town ordinances. Chairman Bove asked Town Manager Caron to discuss with Frank and the attorney. Town Manager Caron stated he spoke with Attorney today, who state that he never said anything about the entire letter or part of the letter being wrong. He did not respond back to R. Bielinski's telephone request because Mr. Bielinski wasn't interested in the Town's position. If he wants to speak in a civil tone or put something in writing he will be happy to respond to him. He said he will not be subjected to 9 minutes of being yelled at on the phone. Chairman Bove said process is to go through the Town Manager, if he is not doing his job then it will go to Council. R. Belinski said he had a cease and desist from the lawyer. Councilor DiMarco said it does not state that in the letter from Upton and Hatfield. Chairman Bove asked Town Manager Caron if he had everything he needed to follow up the complaint. He responded all he had was the letter from the attorney; he questioned Mr. Bielinski if he was going to submit something to the Chairman or to himself. Mr. Bielinski said if he is in violation, file court papers.

Councilor DiMarco reminded the public that there was paving on Mammoth Rd; the double line still exists on the road, so there is still no passing.

OLD BUSINESS

Status of Jack's Bridge Development - Andre Garron, Community Development Director gave a status update on Jack's Bridge development. TIF District approved by Town Council in 2006, funding was not. Council asked him to look into two aspects of the area: traffic study and economic analysis of the project. Both studies completed in 2007. DOT input was not received until late in 2007. DOT made presentation before Council about Exit 5 and Park and Ride. Some of data about traffic plan was submitted by Stantec. Some adjustments have been made to the TIF District plan, final presentation will be in August/Sept. Plan is in 5 phases: 1, 1A, 1B, 2A and 2B. Phases 1, 1A and 1B and 2A will build by itself. Harvey Industries is there, Penske broke ground. Page Rd. and 28 intersection needs updating and is in failure. Page Road is the main trucking route to the airport. DOT said there is potential for this area qualifying for a State Aid Reconstruction grant to help upgrade the intersection, it is a 1/3 - 2/3 match. He recommends applying for the grant for this very important section. UNH did phone survey on 400 homes for Small Area Master Plan, presented at 6/25/08 Planning Board meeting. Participated in a self-assessment survey through the Northeastern Center for

Urban and Regional policy. It is a 247 question survey, takes in all aspects of the planning process and how we operate with business as well as our taxes and assessments. Sent survey back in early June, waiting for results. Initial feedback we received are we rated strong in 50; rated 167 on the average question and 47 responses were weak. We seem to fall in the average or above in the self-assessment. Flexible Industrial District workshop will be held in September. Conservation Subdivision Ordinance on track again. Talked about potential surplus lot of 67 acres currently owned by FAA as possibly being owned by the Town. The Town sent a letter to Senator Sununu expressing interest in the property. Community Development website being updated, site selection feature has been added. We are also meeting with landowners at the Airport Industrial Area. The preliminary engineering for Pettingill Rd is almost complete; the process for obtaining ROW is close, and staff is still working with landowners. Have to decide how to go about financing this project. State Airport Access Road is currently being built and he proceeded to show pictures of the construction.

Andre then reviewed general economic activity. Councilor Farmer asked about response to letter regarding Coca Cola. Town Manager Caron responded he received a response from the Commissioner acknowledging the letter and the importance of working together with business. He received another letter from Coca Cola advocating the same process to DES. The Town has not heard if the expedited process has been approved. A. Garron said he had a meeting with Coca Cola last week, and they were still waiting to hear from DES. Councilor Farmer asked A. Garron for sample of types of questions asked from survey from NE Center for Urban and Regional policy. He also asked if the RFP for website design will come back in time for budget decisions and asked if funds already in the budget. A. Garron responded it depends on costs associated with the RFP has some funds in the management services line. Councilor Farmer recommended doing whatever we can to shift the money so we can move it out to establish website. Councilor DiMarco agreed with Councilor Farmer, important because we are marketing town. He asked how is website publicized to potential customers? A. Garron said he talked to Steve Young about search engines, how to get in the top three, and that information will be part of the RFP. Councilor Brown said we don't have enough funding to do all things, asked A. Garron to prioritize: Funding TIF's at Jack's Bridge; Pettingell Road, or Page/Grenier Field Connector. A. Garron responded Pettingill Rd. has always been the top priority. The Page/28 intersection is important to both sections. The intersection is at near failure now, critical that that intersection be upgraded. It is the major entranceway from the east into the airport area. Both areas are very critical. Town Manager advised the Council to look at importance of 28/ Page Rd. intersection. The airport access road constructed by the state is going to be completed in FY13. It is a question of phasing and how they inter-relate. 28/Paige is the linchpin for development both on the west end of Jack's Bridge and for Grenier Field and airport as well. Look at similar fund mechanism used for Litchfield/Mammoth Rd. First thing is to determine if it is eligible for state funds, when will they be available, what is state share and where can source the Town's 1/3 share found. The Town needs to address Page Rd and Rockingham, as that bottleneck restricts the development in the entire North Londonderry area. Councilor Wagner said developing intersection at Rt. 28/Page Rd first priority. Can't get business into that corridor because the first developer has to pay entire cost of intersection, developers are

afraid to touch that intersection. If we are willing to do this, developers will move in quickly. Councilor Wagner asked Town Manager Caron what his ideas were if the Town proceeds with building the intersection. He responded depends on the timing, if the Town proceeds with construction with the intersection and the State approves it on their funding list. If within one year of each other we work with the auditors to allow us to book a receivable for the state share, which we would be allowed to do based upon our cash flow. If more than one year, auditors might be uncomfortable, might have to float a bond for the entire amount and pay it off when the state repays us. It depends on the timing of the project. Local share can come from impact fees already accumulated on Grenier Field and Rte. 28, some undesignated fund balance if those funds are available, and from future impact fees from developers. Depends on the amount of the project and timing of the project to determine how cash flow will work. Councilor Wagner asked why not on CIP, Andre responded they just completed traffic study. Town Manager Caron said it was always perceived to be state responsibility in a 10 year state plan, now it is pushed too far back to help Londonderry. Councilor Wagner said if the Town puts the intersection in developers will come to the area. If State invests the 2/3 we should do it. Priority is Page Rd then Pettengill. A. Garron said the engineering costs for Pettengill were in the CIP plan, the construction costs were pushed off past 2013. He said alternate financing might help with the development of Pettingill and Page Rd. intersections. John Farrell, chairman of CIP and Vice-Chairman of the Planning Board said one of the questions in the mini master plan was should the Town continue to require developers at Exit 5 and the airport area to fund infrastructure, water, sewer, transportation and drainage improvements necessary to promote economic development. 93% said should be done. We need a plan quickly to support all the projects, similar to what the schools did. Chairman Bove agreed we have to educate public. Councilor Farmer proposed CIP team keep meeting to focus on developing the next steps to support Andre with marketing these projects with the citizens in town. Councilor DiMarco volunteered to work with the CIP team and suggested Leadership Londonderry ask new members to participate. Councilor Wagner said we have a resource with School Board members to help out. She said there is a lot going on and asked Andre if August/September was enough time to obtain figures on cost of construction of Page Rd. intersection. He responded the state felt they could do it by then. Councilor Farmer would like to hear during the upcoming budget season information about expanding staffing in the Planning Dept. He does not want full time employees being hired, wants to see cost of using consultants for 2-3 years. Andre said he will work with the Town Manager on that, however currently we are moving ahead on schedule. Councilor Wagner also gave credit to Art Rugg and John Farrell for their work behind the scenes. J. Farrell said if the CIP is run on a yearly basis it could be an effective mechanism.

NEW BUSINESS

None

APPROVAL OF MINUTES

Councilor DiMarco added his comments to line 41 of the Council's June 12, 2008 Public Meeting and **made a motion to accept as amended. Second by Councilor Wagner,**

Councilors' vote 5-0-0.

OTHER BUSINESS

Liaison Reports

Councilor Wagner reminded the public that Old Home Days will take place from 8/13 to 8/17. Events will be televised.

Councilor Brown said he sent a copy of Supreme Court decision on the Cell Tower at Kelly Rd to his fellow Councilors, and asked the Council to review it. Town Manager Caron said the ZBA did a great job documenting the case; it was very clear in the Supreme Court decision.

Councilor Bove attended SNH Hazemat meeting, he was elected chairman again, meeting in Sept.; encouraged Councilor's to attend. There will be no increase for the district this year. Hired a part-time former chief to do work volunteers were not able to do before.

Town Manager Report

Town Manager Caron said the Town ended the year with a very small surplus. Tax collections as of 7/11/08 were at 86.4% of tax revenues this year, last year at this time was 88% In both years the Town collected \$26.1M in those time periods; Collections are holding steady.

Councilor Brown asked Town Manager Caron if he has met with SAU Supt. Nate Greenberg about combining services. He responded he has met with Nate several times, looking at same areas, IT, cable, finance, facilities. School has retained someone to look at finance operation, expanded that to look at the IT and finance operations of the School and Town. The group will meet again the first week of August, and are on tract for mid Sept.

Board/Committee Appointments/Reappointments/Resignations

Councilor Farmer made a motion to appoint Jim Smith as an Alternate Member to the ZBA. Second by Councilor Wagner, Council's vote 5-0-0.

Councilor Farmer made a motion to appoint Sue Joudrey as an Ad Hoc Member to the Demotion Delay Committee. Second by Councilor Wagner, Council's vote 5-0-0.

Council agreed to accept the resignation of Gladys Frederick and Florence Silva from the Elder Affairs Committee.

ADJOURNMENT

Councilor Farmer made a motion to go into a non-public meeting at 10:02 PM per RSA 91 –

A, with a by Second by Councilor DiMarco.

Aye Kathy Wagner, Aye Paul DiMarco, Aye Brian Farmer, Aye Marty Bove.

Notes and Tapes by: Margo Lapietro Date: 07/17/08

Minutes Typed by: Margo Lapietro Date: 07/22/08

Approved: Town Council Date: