

**TOWN COUNCIL  
AGENDA  
September 15, 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. Ordinance #2008-10 – Relative to an Amendment to the Municipal Code, Title VI, Section XXVI, Code of Ethics
- B. Ordinance #2008-11 – Relative to Amendments to the Zoning Ordinance Regarding Historic Overlay District

III. PUBLIC COMMENT

- A. American Red Cross
- B.

IV. OLD BUSINESS

- A. Brookview Drive Mitigation Grant Update
- B. Economic Development Plan

V. NEW BUSINESS

- A. Resolution #2008-15 – Relative to the Extension of the Cable Television Franchise Agreement
- B. Resolution #2008-16 – Relative to the Naming of Central Fire Station
- C. Resolution #2008-17 – Relative to the Sanctioning of the Londonderry Youth Wrestling Organization
- D. Order #2008-18 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects.
- E. FY10 Budget Directive
- F. Ordinance #2008-12 – Relative to Amendments to the Zoning Ordinance Regarding Planned Residential Developments

VI. APPROVAL OF MINUTES

- A. Minutes of the Council's August 18, 2008 Public Meeting.

VII. OTHER BUSINESS

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

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, October 6, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- B. Town Council Meeting, October 20, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM – FY10 Budget Presentation
- C. Town Council Budget Workshop, October 27, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- D. Town Council Budget Workshop, November 1, 2008, Moose Hill Council Chambers, Town Hall, 8:30 AM
- E. Town Council Meeting, November 3, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM

**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***

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***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.

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Marty Bove  
Chairman - Town Council

***A TRUE COPY ATTEST:***

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***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. <sup>11</sup>

- 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. <sup>10</sup>
- 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.) <sup>1,8</sup>
- Community Officials shall be impartial, and responsible to the community in their actions. <sup>10,11</sup>
- 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. <sup>1,8</sup>
- Public office, a volunteer position or town employment shall not be used for personal gain. <sup>1,7,8,9,10</sup>

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.) <sup>1,8</sup>

## **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.)<sup>2,8,9</sup>

#### **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.<sup>1,9</sup>

#### **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.<sup>14</sup>

## **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. <sup>3.7.8</sup>

#### **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. <sup>4.8.10</sup>

#### **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.) <sup>5.8.9</sup>

#### **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 <sup>13</sup>
- B. For the Town Manager, the Town Council <sup>13</sup>
- C. For all appointed board, committee and commission members, the Town Council <sup>12</sup>
- D. For a member of an Elected Body, the Elected Body on which the member serves. An elected body, other than the Town Council<sup>15</sup>, 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. <sup>6</sup>

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; <sup>9</sup>

## 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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

(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.).**

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***

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***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.

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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***

# RESOLUTION #2008-15

A Resolution Relative to

## ***THE EXTENSION OF THE CABLE TELEVISION FRANCHISE***

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First Reading: 09/15/08

Second Reading: Waived

Adopted: 09/15/08

***WHEREAS*** the current Cable Television Franchise in the Town of Londonderry is scheduled to expire on September 30, 2008; and

***WHEREAS*** the Town has been negotiating a renewal franchise with Comcast; and

***WHEREAS*** several outstanding issues relating to the renewal franchise need to be resolved; and

***WHEREAS*** during the period in which a renewal franchise is being negotiated, it is in the best interest of the Town, Comcast and cable consumers to continue the operations of the cable system under the terms and provisions of the franchise agreement originally granted to Harron Cablevision of New Hampshire and ultimately transferred to Comcast pursuant to Resolution 2005-25 as adopted by the Town Council;

***NOW THEREFORE***, be it resolved that the Cable Franchise Agreement between the Town of Londonderry and Comcast of Connecticut/ Georgia/Massachusetts/New Hampshire/ New York/North Carolina/Virginia/Vermont, LLC be extended, with all terms and conditions of the current franchise remain in full force and effect, until December 30, 2008, or until such time as the Franchise Agreement is renewed, whichever occurs sooner, and that the Council shall execute the Extension Authorization Letter as attached.

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Marty Bove, Chair, Town Council

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Marguerite Seymour - Town Clerk/Tax Collector

*A true copy attest: 09/15/08*

# RESOLUTION #2008-16

A Resolution Relative to  
***THE NAMING OF CENTAL FIRE STATION***

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First Reading: 09/15/08  
Second Reading: Waived  
Adopted: 09/15/08

***WHEREAS*** David A. Hicks was the first full-time fire chief for the Town of Londonderry; and

***WHEREAS*** Chief Hicks was associated with the Londonderry Fire Department for 33 years, including 17 years as Chief, and was instrumental in the building of Central Fire Station in 1978; and

***WHEREAS*** Chief Hicks' contributions to the fire service exemplified outstanding service to his Town and Country, by serving in the Air National Guard and membership in the American Legion Post #27; and

***WHEREAS*** Chief Hicks was named Londonderry Citizen of the Year in 1981;

***NOW THEREFORE***, be it resolved by the Londonderry Town Council that Central Fire Station, 280 Mammoth Road, be renamed the David A. Hicks Central Fire Station in honor of Chief Hicks' years of dedicated service to the community.

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Marty Bove, Chair, Town Council

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Marguerite Seymour - Town Clerk/Tax Collector

*A true copy attest: 09/15/08*

# RESOLUTION 2008-17

Relative to the  
**SANCTIONING OF THE LONDONDERRY YOUTH WRESTLING  
ORGANIZATION**

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First Reading: 9/15/08  
Second Reading: x/xx/xx  
Adopted: 9/15/08

**WHEREAS** there is a need to sanction athletic organizations in order to better manage town recreation facilities; and

**WHEREAS** the Town Council adopted Title VI, Chapter XIX, Approval of Sanctioned Recreation Groups, which established a process by which groups may be sanctioned; and

**WHEREAS** the Recreation Commission has been reviewing applications in accordance with the aforementioned Town Ordinance;

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that the Londonderry Youth Wrestling Organization, having met the requirements of Chapter XIX and receiving the positive recommendation of the Recreation Commission, is hereby sanctioned until April 1, 2013.

Marty Bove, Chairman  
Town Council

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Marguerite Seymour - Town Clerk/Tax Collector

( TOWN SEAL )

**A TRUE COPY ATTEST:**  
**09/15/08**

First Reading: 9/15/08  
Second Reading/Public Hearing: waived  
Adopted: 9/15/08

**ORDER 2008-18**  
***AN ORDER RELATIVE TO THE EXPENDITURE OF***  
***MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS***

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**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 Town was under Department of Environmental Services order to remediate the former Sanborn Road junkyard site. The remediation was recently completed with the disposal of buried tires, at a cost of \$55,476.00.
- 2) Repairs to doors and HVAC systems at the Police Facility, at a cost of \$4,683.00.
- 3) Erection of a fence at the basketball courts at Nelson Field, at a cost of \$5,600.00

***NOW THEREFORE BE IT ORDERED*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$65,759.00 for the aforementioned repairs and improvements.

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Marty Bove- Chairman  
Town Council

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Meg Seymour

Town Clerk

(TOWN SEAL)

**A TRUE COPY ATTEST:**  
**9/15/08**

Introduced: 9/15/08  
Second Read/Pub Hrg: 10/06/08  
Adopted: xx/xx/xx

**ORDINANCE 2008-12**  
***RELATING TO AMENDMENTS TO THE ZONING***  
***ORDINANCE REGARDING PLANNED***  
***RESIDENTIAL DEVELOPMENTS***

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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*** the Planning Board has recommended that the Town Council act favorably upon proposed amendment:

Rewrite Section 3.3, "Planned Residential Development," establishing the new Section, "Conservation Subdivisions"

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to rewrite Section 3.3, Planned Residential Development, including establishing a new Section "Conservation Subdivisions".

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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***



**TOWN COUNCIL  
AGENDA  
August 18, 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; Vice Chairman, Brian Farmer (7:05PM); Councilors Kathy Wagner, Paul DiMarco and Mike Brown; Town Manager, Dave Caron; ATM-F&A, Sue Hickey and Margo Lapietro, Executive Assistant.

**CALL TO ORDER – PUBLIC SESSION**

Chairman Bove opened the meeting at 7:00 PM. Boy Scout Troup 521 was in attendance; lead the meeting with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

**PUBLIC HEARING**

Councilor DiMarco made a motion to go into public meeting. Second Councilor Wagner. Council's vote 4-0-0.

Resolution 2008-13 – Relative to the Acceptance of an Emergency Management Performance Grant - **Councilor Farmer** made a motion to accept the Resolution. Second by Councilor DiMarco. **Town Manager Caron stated that the Town received bids today for the generator; grant will half the cost of the generator project. Article 15 was voted on at Town Meeting for \$100,000, therefore any balance remaining will revert to Town's Undesignated Fund Balance. George Herrmann, 24 Otterson Rd. thanked everyone involved, thanked taxpayers for funding the balance. Councilor Brown asked when the generator installation would be completed. Town Manager Caron responded it will be installed and operational by 9/30/08. Chairman Bove thanked everyone including State Rep. Al Baldasaro. Council's vote 5-0-0.**

**Barn Preservation Easement – RSA 79.D.** – Mr. William Longmaid has a request for a barn preservation easement at 521 Mammoth Rd. The Heritage Commission met in July and voted to pass along to Town Council, recommending a reduction of 65%. In order to receive a 75% reduction, which is the highest allowed, the building has to be on the State or National Historic Register, eligible for listing in the NH Register of Historic Places or used as an agricultural purpose, which this barn does not meet that criteria. Mr. Longmaid said barn built before 1750, maybe one of the oldest buildings in town, part of the history in this town. Garage doors are being covered in same siding as on barn, cut on a 45 degree angle. The Councilors thanked him for saving the barn. Councilor Brown asked Town Assessor, Karen Marchant how many have applications her office has received for barn preservation easements. She responded 5-6 so far. She explained it is a 10 year commitment with automatic renewal at end. If they opt out of the program prior to 10 years there will be penalties. Al Baldasaro, 41 Hall Rd. complimented Mr. Longmaid on saving the barn. He said the house originally had a barn and was torn down, supports his efforts. Art Rugg, Chair of the Heritage Commission said the Commission was unanimous in support of preserving the barn. **Councilor Farmer made a motion to accept recommendation of Assessing Dept. Second by Councilor**

**DiMarco. Council's vote 5-0-0.**

**Councilor Brown made a motion to exit the Public Hearing. Second by Councilor DiMarco, Council's vote 5-0-0.**

PUBLIC COMMENT

**Mark Brewer, MHT Airport Director** – Director Mark Brewer gave the Council an update of activities at the Manchester-Boston Regional Airport. He thanked the Londonderry Police Department for their work at MHT. He also said that he looked forward to working with Fire Chief Kevin MacCaffrie. He announced that on 9/20/08 the airport will have their tri-annual emergency preparedness drill. He thanked Andre Garron and Janusz Czyzowski for making a presentation to MAA regarding the Airport Access Road. He also acknowledged Steve Young for his efforts on MAA. He proceeded to explain that the airline industry is struggling, the forecast is that about 20% of available capacity will be removed and tickets are going up 30%. He said that passenger traffic at MHT is down about 6%. He advised people to book flights early, because prices are going up. Mr. Brewer spoke about the upcoming Master Plan, with a focus on the terminal building and “land side” of the airport. He suggested nominating people to a technical advisory committee for the Master Plan. Last Master Plan had 4 representatives from Londonderry. FAA provided utilization program of 65% on RW 17/35 and 35% on RW/6-24 after runways were lengthened and safety area completed, which was last November. He said he asked FAA tower for update on utilization; as of July RW 17/35 was used 61% and RW 6/24 was used 39%. Noise complaints from Londonderry have gone down. Sound Insulation program had 65 out of 70 Londonderry homes receiving federal funding for their program, by end of 09 all 70 homes in Londonderry will be done. New noise contours being done for new Master Plan, noise contours will shrink resulting in less homes qualifying in Londonderry. Council DiMarco asked how the air freight business is doing. Director Brewer said going down about 17%, with the decrease based more on economic conditions. Councilor Brown asked about economic impact of the airport to region. Director Brewer said the most recent economic impact was done in 2003 and estimated the impact at about \$700M. In 2007 TF Green in Rhode Island which is just a little larger than MHT completed a study and their economic impact was \$1.9B. They are just beginning to update another economic impact study at MHT. Chairman Bove asked if the Airport Access Rd. will be a boon to Londonderry Airport Park, Director Brewer responded it will be. Councilor Farmer requested Town Manager Caron work on getting community into the technical advisory committee.

**Vinny Curro – Londonderry Annual Family Safety Day-** Vinny Curro, 103 High Range Rd. said that the Annual Family Safety Day will be held on Saturday 9/20 from noon to 4 at Matthew Thornton School. Events include a car seat check from noon until three; Child ID program by NH Free Masons. Last year all 133 kits used, having 300 this year. The program receives support from State Farm Insurance, Elliott Hospital doing skin cancer screening booth. He invited citizens and Council to attend.

**NHDOT I93 Salt Reduction Update** – Mark Hemmerlin from NHDOT & Eric Williams from NHDES were in attendance as well as Barbara MacMillan, NHDES Outreach Watershed Coordinator. She proceeded to distribute printed material that included a proposed Resolution for adoption of salt reduction. E. Williams gave update of water quality at watersheds near I93. Impairment to water sheds primarily due to road salt. Beaver Brook does not have as much chloride as some watersheds further south. Long term goal is to maintain same level of service and use less salt. He reviewed the salt applications in Town and the State. They are working with UNH for applications of road salt, doing software development; looking at marketing changes. Councilor Farmer asked about sprayed saline (brine trucks) and M. Hemmerlein said they are experimenting with applying the mixture before snowstorms. NHDOT has had some success with it the past two years; it prevents ice packing on the road, and will reduce use of chlorine. Federal highway funds are being funded for I-93 work, out of that \$2.5M is slated for communities to look at salt reduction. The program consists of 2 steps: a planning phase and an implementation phase. Town has to develop a plan in order to participate. They have a Steering Committee of 4 members; they have met 4 times and came up with a list of criteria. It is a reimbursement program, 20% from community, 80% from federal highway. Chairman Bove asked how much Londonderry contributed to salt run-off. Councilor Farmer asked Town Manager Caron if we could use the GIS tools to develop a map for reference. Chairman Bove asked about difference in the recording points to identify how much salt Londonderry contributes to the run-off. Councilor Farmer stated if we had a picture of where the impacts are in Town it would make it easier to understand. Councilor DiMarco asked if there are other alternatives to rock salt. M. Hemmerlein explained the alternatives, said they were all fairly expensive. Councilor DiMarco asked if there is any historical data based on accident rates with alternative methods other than rock salt, he responded he is not aware of any studies. He said he is looking for scope of services from the communities; plan how much money you want to spend and where you want to spend the money. Steering Committee will be looking at that and once that is approved, then the money becomes available. It was decided to consider a resolution on this matter on October 6.

**Paul Doyon – Changing Name of Central Fire Station** – Mr. Doyon is a former Selectman in the Town and in 1989 a motion was made to name Central Fire Station the David E. Hicks, Sr. Fire Station. He explained Mr. Hicks's long employment as a fire fighter and his promotion to Fire Chief. Chief Hicks was the driving force behind the building and the Selectman thought it was fitting to name the building after him. Councilor DiMarco asked to have a normal resolution for this matter at next meeting. Margo had researched the minutes and only found a reference dated 7/31/89 saying "Selectman Boucher announced that the Selectmen will rename the Central Fire Station, the David A. Hicks Central Fire Station. Jim Anagnos will work out the logistics". Councilor Wagner said that in the minutes there is no actual formal vote. It was decided to prepare a formal resolution for the September 15 meeting.

**Chairman Bove was talking to a person at Old Home Day (OHD) about no through trucking on High Range Rd. He asked Town Manager Caron about it and he responded he spoke to the Chief today and they will attempt to schedule some**

**patrols to review activity. Councilor Brown said it should be noted that there are several construction projects on High Range Road; they are going to projects on High Range, not going to airport or other locations which would constitute through trucking. Councilor DiMarco said trucks are getting lost at intersection of High Range and Litchfield Rd. and have to continue straight.**

Councilor DiMarco congratulated all the OHD people on a good job.

Chairman Bove had questions about economic conditions with the downturn in housing re-evaluations. Questions were sent to Town Manager Caron and Town Assessor Karen Marchant who was in attendance tonight to respond.

Question: When was last time we had an evaluation? Answer: It was updated 06, last real re-evaluation done in 1994.

Question: When is next one? Answer: With the DRA we are scheduled in 2010, we can complete a review anytime in between the five year requirement by DRA.

Question: How was it done? Answer: Staff person does the re-measuring and the listing of properties on a day-to-day basis. Staff has gone through the entire Town in a cycle, started in 2002, finished this past summer. Statistical update based on the sales and what properties have sold for in the last two year time frame.

Question: How long will it take? Answer: Start in January.

Question: What would the impact be? Answer: In an unstable market there is no set curve because it is a mixture. Starting in January start creating sales file, showing all properties sold in a certain time frame hard to pinpoint value on a set date. She explained the procedure.

Councilor Farmer asked how does the market affect an abatement request. She responded the last update was completed in 06, a property owner would have to prove disproportionality in values. Lowering the values town wide simply results in an increased tax rate. Chairman Bove asked Town Manager Caron to see if there is an exercise that could be used during the budget season to see what affect lowering the evaluation would have on the taxes. This information will be presented during budget season, he mentioned at the last review from the State Londonderry's values were at 99.3% in 07.

At this point in the meeting Councilor Farmer said the Scouts could be excused and asked them if they had any questions before leaving. Scout Sean Fitzpatrick asked why we had to adhere to the formalities, etc. Chairman Bove said there is public law and procedure we have to follow for certain things, we are required to have a format. Councilor DiMarco said we provide a record as historical data.

## OLD BUSINESS

**Economic Development Activities – Andre Garron** - Page Rd intersection had two studies completed by the Town. Results showed that it is failing. NHDOT has a 1/3-2/3 grant similar to grant at Litchfield/Rte.128 Rd. intersection. Page Rd. intersection does meet the small area grant (SAG) criteria. DOT agreed that the intersection appears to be a good candidate, and will act upon an application from the Town within 6-8 weeks from receipt. He proceeded to show a slide presentation of the proposed \$1.7M intersection, if speed can be reduced will lower costs of intersection. Chairman Bove said if the speed was reduced how much money saved. A. Garron responded about several hundred thousand if turning lanes could be reduced. The intersection is important because of future development on both sides of the intersection and entrance to Manchester-Boston Airport area. He said that his staff will present information on the overall economic development plan for Londonderry at the Council meeting scheduled for 9/15/08. Staff will make recommendations for Pettingill Rd area, Jack's Bridge Rd. area and updated information on status of Page Rd./Rte 28 intersection.

An initial meeting was held on 6/25/08 for the Small Area Master Plan, next one scheduled for 9/24/08. The meeting will focus upon information received from survey and input from June meeting. He spoke about having a luncheon in October to invite business leaders and stake holders, in and around the airport area as well as DOT to discuss I 93, Exit 5, status of Access Rd and Pettingill Rd. This will give staff an idea of how the infrastructure around the airport is improving. He said that Staff has re-worked the Flexible Industrial District Ordinance to incorporate the comments and suggestions received from the residents and property owners at a meeting held in June. Staff sent a copy of the Ordinance to all property owners that would be impacted by this ordinance.

Conservation Subdivision Ordinance had a revised roadway design and was discussed by the Planning Board last Wednesday. Public hearing will be held October or November.

The website development is advancing. A Request for Proposal will be advertised this month for a consultant to help with the website. Staff will apply for a matching grant through the Department of Resource and Economic Development (DRED) He also said that staff is close to having a "Site Selectors" component to the Town website. It should be ready for late September, early October.

Berkshire Development has decided not to go ahead with their plans for development on Rte. 102 due to current economic conditions. Quantum Aviation is building a 15,000 s.f. facility at end of Industrial Drive in front of UPS building. Coca Cola was approved last Wednesday, adding a 115,000 s.f. addition. Councilor Farmer said Starbucks' building looks finished are they going to occupy facility because they are closing 600 stores. A. Garron responded they own a long term lease on the building, questionable whether they will occupy. Chairman Bove questioned if any interest in the exit 4A area. A. Garron responded he has had a lot of interest but access is a problem. Chairman Bove asked if there was any interest along Rte. 102. A. Garron responded there was a lot before economy went down but water and sewer access is a big issue in that area. Discussion

ensued about future areas for development.

**Order 2007-17 – Relative to the Expenditure of Rte. 28 West Impact Fees for Engineering and Design of the Rte. 28-Page Road Intersection.** Councilor Framer read the first reading, second reading waived, **motion to accept. Second by Councilor Wagner.** Councilor Brown clarified that \$175,000 from impact fees for engineering and design, staff moving forward with warrant article for additional \$200K in impact fees in March for construction. Plan is to use impact fees for engineering design and a portion of our 1/3 in March and some from the fund balance. Town Manager Caron clarified the 2/3 will be applicable to the \$175K being raised this evening as well. Councilor DiMarco questioned will lowering speed limit be part of our application. Town Manager Caron said that will occur during the design review process between consulting engineers and the state. The speed could be reduced to between 35-45 MPH. Councilor Wagner asked if the state can come back and change the \$175K price, Town Manager Caron stated a more accurate figure will be determined prior to Town Meeting. Councilor DiMarco stated he understands this will be a Town run project. Town Manager Caron responded yes, it is under the municipal management project system. Councilor Wagner asked about keeping it on receivables for a year, Town Manager Caron responded the State said it will reimburse the Town in FY11. **Council's vote 5-0-0.**

**Councilor Farmer brought up the subject of TIF District. People have told him that we have already initiated a TIF District in the Jack's Bridge Rd. and that the taxpayers are already paying for it. He said we have not already financed a TIF district in Jack's Bridge Rd., as no TIF funding plan was presented or approved at Town Meeting. People think we are committed to it because we are still talking about it. He would like to have topic discussion on Jacks Bridge TIF district at next council meeting, and vote to either dismantle or have a re-affirmation vote. A. Garron said discussion of TIF District was part of his 9/15 presentation to Council, district was approved, but not the funding. Traffic study and economic analysis were completed. The Council stressed that any funding had to be a town meeting vote. Town Manager Caron re-affirmed that all TIF Districts require a two step process:**

- 1) Establish the boundaries which is a Town Council responsibility**
- 2) Funding the TIF Plan which is a Town Meeting responsibility**

#### NEW BUSINESS

**Order 2008-14 – Relative to the Expenditure of Capital Reserve Funds for Highway Trucks and Equipment.** Councilor Brown read the first reading, second reading and public hearing waived. Staff and Town Manager Caron recommended bids be awarded to:

Highway Truck Capital Reserve: Six Wheel Dump Truck awarded to Liberty International Trucks for \$43,486.00

Dump Body/Spreader awarded to Howard P. Fairfield, Inc. \$59,891.00

Highway heavy Equipment Capital Reserve: Front End Loader to Chadwick-BaRoss,

Inc. for \$103,200.00.

**Councilor Brown made a motion to approve, second by Councilor DiMarco.** Councilor DiMarco said he did meet Janusz at the town shed and dump truck extremely rusted, needed replacement. Front end loader in poor shape, getting a high trade in on it. **Council's Vote 5-0-0**

**Order 2008-15 – Relative to the Expenditure of Maintenance Trust Funds for the highway Garage – Councilor Brown read first reading, second reading and public hearing waived, motion to adopt, second by Councilor Farmer.** Staff and Town Manager Caron recommended bids be awarded to:

Test Borings	NH Boring, Inc.	\$1,500.00
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Construction of Salt/Sand Shed	Park Lane Construction	\$197,808.00
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Councilor DiMarco said he was shown the facility, sand gets blown into neighborhood and sand gets clumpy. Councilor Wagner said she liked viewing all the bids. **Council's Vote 5-0-0.**

**Ordinance 2008-10 – Relative to an Amendment to the Municipal Code, Title VI, Section XXVI, Code of Ethics.** Councilor DiMarco read first reading, second reading and public meeting is scheduled for 9/15/08. **Councilor DiMarco made the motion to move to the public hearing on 9/15/08, with a second by Councilor Wagner. Council's vote 5-0-0**

**Resolution 2008-14 Relative to the Sale of Map 15/Lot 26, 206 Rockingham Road –** Councilor Farmer read the Resolution and **made a motion to accept, second by Councilor Wagner. Councilor Farmer amended motion to waive second reading and public reading, Councilor Wagner seconded the amended motion.** Councilor Brown asked Lisa Fitzgerald, Branch Director for the YMCA if we had any assurances that they would not sell the property. She responded they have an investment in the facility and just received approval for an expansion putting an in-ground pool and extending field. The YMCA is invested in a long term commitment to Londonderry. **Council's vote 5-0-0.**

**Order 2008-16 – Distribution of Cable Special Revenue Funds to Londonderry School District.** Councilor Farmer read the first reading, second waived, **motion to adopt. Second by Councilor DiMarco. Council's vote 5-0-0.**

**Ordinance 2008-11 - Relative to Amendments to the Zoning Ordinance Regarding Historic Overlay District –** Councilor Wagner recused herself because she owns historic property. **Councilor DiMarco read the first reading, second reading and public hearing on 9/15/08. Second by Councilor Farmer. Council's vote 4-0-0, with Councilor Wagner not voting.**

APPROVAL OF MINUTES

Minutes of the Council/School District Combined Meeting of 6/5/08 and Council's July

17, 2008 Public Meeting. Councilor DiMarco made a correction to 6/5/08 meeting minutes; line 9 should read “Board” not “Boar” **Councilor DiMarco made a motion to approve the minutes of 6/5/08 as amended. Second by Councilor Wagner. Council’s vote 5-0-0. Councilor DiMarco made a motion to approve meeting minutes for 7/17. Second by Councilor Wagner. Council’s vote 5-0-0.**

## OTHER BUSINESS

### Liaison Reports

**Councilor Wagner said Old Home Day appeared to be a success despite the rainy weather. The Bandstand lighting not adequate at night, asked if there were any monies for lighting. Councilor Farmer said the Londonderry Arts Council (LAC) is looking at buying light kits. Cable access has some lights kits, will look into it. Chairman Bove said he would task someone in the LAC to look at it. Councilor Wagner said \$7,000 contribution from Town is cutting it close for 5 days of events might have to go back to obtaining \$10,000. Chairman Bove suggested bringing request forward at budget time. Planning Board meeting was covered by Andre; only thing not addressed at Planning Board was the fact that they have started workshops on the Book of Standards, looking at road standards first, workshops being held.**

Councilor DiMarco attended the Heritage they talked about the barn on Hall Rd, it was covered tonight. He did not attend any other meetings.

Councilor Farmer said the CIP meeting is being held this Thursday, will be reviewing project submission and ranking them. Conservation Commission is looking at a pending purchase, not yet finalized but will come to Town Council for approval at a late date. LAC concert series completed at OHD, not as successful due to weather, participation drops substantially when it rains. Art on the Common event is scheduled for 9/6. Some people will be working on the lights at the bandstand. Chairman Bove said we haven’t seen the benefits of certain things in the CIP process. Councilor Farmer said a lot of that comes forward during actual CIP meetings. Chairman Bove suggested listing the benefits in the CIP. He said he will give that suggestion to the Planning Dept.

Councilor Brown said ZBA is now a full Board. He was not able to attend the last Budget Committee meeting, next one being held on 8/28/08.

Chairman Bove congratulated the “Funway Park” Committee, great facility for kids. OHD went well. He attended Solid Waste meeting, got positive input for welcome signs. He thanked all the people who worked on that project. He invited the Council and public to attend an open house for the So NH Hazemat at Candia Fire Dept., 11 Derryfield Road on 9/18 at 5:00 PM.

### Town Manager’s Report



Draft Budget Schedule was distributed, and suggested combining Public Works, Fire and Police on the same Saturday morning.

Mr. Dudek wanted his junkyard permit modified. Town Counsel advised us that if the Council wanted to change, a public hearing needs to be held.

**The Town Manager requested clarification on snow plowing pathway. After some discussion the consensus was to plow from Lincoln Way.to Middle School/Otterson.**

Board/Committee Appointments/Reappointments/Resignations

1. Appointment of Alternate Deb Paul of the Heritage Commission to a Full Member to replace Ginny Dahlfred, term to expire 12/31/10
2. Appointment of Pauline Caron to an Alternate position on the Heritage Commission, term to expire 12/31/09.

**Councilor Farmer made a motion to appoint Joe Green to the Budget Committee and accept all of the above appointments. Seconded by Councilor Wagner, Council's vote 5-0-0.**

Councilor DiMarco suggested asking people if they want to volunteer on the different Boards/Committees/Commissions. Suggestion was made to advertise the first of September for upcoming positions on the volunteer boards.

ADJOURNMENT

**Councilor DiMarco made a motion to adjourn at 9:55 PM. Second by Councilor Wagner. Council's vote 5-0-0.**

Notes and Tapes by: Margo Lapietro Date: 08/18/08

Minutes Taped by; Margo Lapietro Date: 08/22/08

Approved: Town Council Date: