

**TOWN COUNCIL
AGENDA
August 3, 2009**

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. *All regular meetings will be adjourned by 10:00pm unless otherwise notified.*

7:00 PM

I. CALL TO ORDER – PUBLIC SESSION

II. PUBLIC COMMENT

- A. E911 Presentation on Street Numbering Process –
Tim Scott

III. OLD BUSINESS

IV. NEW BUSINESS

- A. Ordinance #2009-03, Relative to an Amendment to
the Zoning Ordinance Regarding Small Wind
Energy Systems

V. APPROVAL OF MINUTES

- A. Minutes of Council Public Meeting of 7/13/09

VI. OTHER BUSINESS

- A. Liaison Reports
B. Town Manager Reports
C. Board/Committee Appointments/Reappointments
1. Planning Board Alternate Position

VII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, August 17, 2009, Moose
Hill Council Chambers, Town Hall, 7:00 PM
B. Town Council Meeting, August 31, 2009, Moose
Hill Council Chambers, Town Hall, 7:00 PM
(tentative)

Introduced: 8/03/09
Public Hearing: 8/17/09
Adopted: x/xx/xx

ORDINANCE 2009-03
RELATING TO AN AMENDMENT TO THE
ZONING ORDINANCE REGARDING
SMALL WIND ENERGY SYSTEMS

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

WHEREAS this process has resulted in the development of requirements for the construction and use of small wind energy systems; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon this revision;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the creation of new Section 3.15 Small Wind Energy Systems, as recommended by the Planning Board.

Michael Brown, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal

TOWN COUNCIL MEETING
July 13, 2009

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

PRESENT: Town Council: Chairman Mike Brown: Vice Chairperson, Kathy Wagner; Councilors: Paul DiMarco, Sean O'Keefe, Town Manager Dave Caron; Executive Assistant, Margo Lapietro. Absent: Councilor Farmer

CALL TO ORDER – PUBLIC SESSION

Chairman Brown opened the meeting at 7: 02 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country, firefighters and police officers serving this community and around the country.

PUBLIC HEARING

Councilor Wagner made a motion to go into public hearing. Second Councilor O'Keefe. Council's vote 4-0-0.

Resolution 2009-10 – Relative to Adjusting Income Limits for the Elderly Exemption Policy – Councilor DiMarco read the second reading and made a **motion to accept the resolution. Seconded by Councilor Wagner.** Town Manager Caron said there was an increase in compensation for social security recipients of about 10% over the last two years, and the recommendation to increase the income eligibility levels would insure that current recipients does not lose eligibility due to the social security increase. Chairman Brown asked if there will be a fiscal impact, Town Manager Caron anticipated none. Councilor DiMarco asked for clarification of the assessments and levels. Assistant Assessor Rick Brideau said they were not changing the asset level, just doing this to keep pace with Social Security. Chairman Brown asked how many people were currently eligible for the program, R. Brideau responded about 188 people. Open for discussion. Bob Malloy, 13 King Charles Drive asked if this is reviewed periodically. R. Brideau responded it is periodically and Council has to approve. **Council's vote 4-0-0.**

Councilor O'Keefe made a motion to close the public hearing. Seconded by Councilor DiMarco, Council's vote 4-0-0.

PUBLIC COMMENT

Manchester Airport Authority (MAA) Presentation to Steve Young - Airport Director Mark Brewer and MAA Chair Gary O'Neil presented a bronze eagle to Steve

Young for serving almost 8 years on the MAA.

Proclamation STIHL Tour de Trees Day – Jeff Carney, a utility forester with National Grid accepted the Proclamation on behalf of the TREE Fund. He stated he got involved with the tour 10 years ago. He is the NE chapter TREE fund liaison for the International Society of Arboriculture, and is on the Board of Directors and the co-chair of the regional planning committee for this year's tour.

Energy Task Force – Russ Lagueux and Carolyn O'Connor presented and reviewed the Energy Task Force Report; they stated that they hosted workshops, surveyed residents at Old Home Day and conducted audits for the report. The report recommended behavioral changes, made facility-specific recommendations, suggested alternate energy sources. They said the Town is in collaboration with the school district to monitor energy use of Town facilities. The Task Force is recommending the Town adopt an energy conservation policy. Carolyn O'Connor has submitted an energy grant application; the grant monies will be used to retrofit 113 street lights as well as to retrofit lights at the Access Center and at Central Fire. An energy audit at the Library will also be completed. The report will now go to the Environmental Baseline Committee. Chairman Brown asked when the ideas are being implemented; C. O'Connor said it will come back to the Town Council for policy approval although a number of operational changes have been implemented already.

PSNH – Elizabeth LaRocca - Elizabeth LaRocca, Community Relations Manager for PSNH southern region and Russell Johnson, Field Engineering Mgr. for the southern region were in attendance. They talked about the transmission lines on Season Lane and explained the project. R. Johnson said PSNH has to ensure the infrastructure is in place to provide additional service to a growing area and to meet peak demand on their system. Their plan is to add transmission capacity to the Scobie Pond substation which involves running lines in the ROW that runs in the Season Lane area. E. LaRocca said they met with the neighborhood after they got the initial reaction from the homeowners and are re-surveying the easement. They are identifying the wetlands and will apply for needed permits this summer. They will do tree removal in the winter of 2009-2010. Their goal is to complete the project by June of 2011. The impacts will be limited to 10 people who have a PSNH ROW easements on their property. She said she will return to the Council to keep the Councilors updated on the project. Councilor Wagner questioned R. Johnson if the southern tier was at capacity – he responded that PSNH will be exceeding capacity, and PSNH looks at a 10 year horizon for customers' energy demands. Councilor Wagner questioned if the 10 homes are built in the actual ROW. E. LaRocca responded that some improvements are built within the ROW. Councilor Wagner asked how the project was designed and why can't the lines be underground. R. Johnson said that underground utilities would be significantly more expensive. Councilor DiMarco asked if PSNH considered any alternative routes. R. Johnson responded there are no alternatives, there are no transmission facilities available. The ROW's were obtained in the 60's with the intent of expansion. Councilor DiMarco said it would be nice to know where the other ROW's are in Londonderry for the Town's GIS Mgr. Chairman Brown asked about the plans for communicating with the public. E. LaRocca talked about a letter she sent to the

homeowners and abutters. The plan is if anyone has questions to direct them to her and have Andre Garron, Community Development Director be the point person for the Town and Elizabeth will be point person for PSNH. She said they will try a one on one approach, meet with the abutters and the neighbors. They will stake out the lines and then meet with the abutters.

Safe Kids Child Passenger Safety Van – Town Manager Caron explained the Town has an opportunity to accept a donation of a van from Dartmouth Hitchcock Medical Center. Fire Chief MacCaffrie talked about the Child Passenger Safety Program that exists in Londonderry and surrounding communities. Due to the fact that Londonderry uses the van the most Dartmouth Hitchcock is donating it to the Londonderry Fire Dept for use in this area. Currently the department is towing a trailer with their gear in it. Councilor DiMarco asked where it will be stored; Chief MacCaffrie responded it will be stored in a bay at North Fire Station. Chairman Brown asked if it could be used by anyone, Chief MacCaffrie said one of our members will take it to other towns to be utilized. **Councilor DiMarco made a motion that the Town of Londonderry accept the van, seconded by Councilor O’Keefe, Council’s vote 4-0-0.** Chairman Brown suggested the Chief send a letter to Dartmouth Hitchcock Medical Center to thank them for the van.

OLD BUSINESS

None.

NEW BUSINESS

Police Department Staffing Levels – Chief William Hart, Jr. from the Londonderry Police Department (LPD) reported the second Byrne grant for \$14K was received and he needs authorization to accept the funds. Councilor O’Keefe made a motion to authorize the Chief to accept the grant for \$14K, seconded by Councilor DiMarco, Council’s vote 4-0-0. The Chief said he is responding to the Council’s directive to review the Sworn Administrative Staffing levels. The choices are to either to re-organize the department eliminating either a Captain or a Lieutenant’s position or direct him to save the money of \$95,000 somewhere in his budget. He said he would prefer to save the money somewhere else. He proceeded to state that the Admin. Staff tasks performed by the Captain and Lieutenant are critical and gave his reasons backing up that statement. He would prefer to focus on not eliminating positions, but to concentrate on saving money. He does not recommend re-organizing the department. He said at this moment in time his department has two vacancies, one Lieutenant and one Captain. He explained the lead time to train a new officer is 2-3 years. Councilor DiMarco said by not replacing the lieutenant and captain are there other areas he is looking at. He has a plan of not filling the lieutenant position for FY10; he is also looking at managing overtime expenses, and maximizing training dollars. Councilor Wagner questioned the Town Manager if the \$95,000 was figured in the budget reductions already or was it built in if the Chief came back and recommended the position be filled. Town Manager Caron said the \$95,000 is currently budgeted and in the FY10 budget. The current budget includes the funds for current staffing levels. She questioned the standard staffing levels; the Chief responded

the standard is two Captains and five Lieutenants. Of the two positions the Captain position is vital. Chairman Brown stated that the reduction of \$95,000 was not a goal; the consensus of the Council was a re-organization resulting in a reduction of a management position. He said he is looking for one less person on the payroll to be guaranteed less money for the future. He is looking forward to the re-organization and reduction in staff. Chief Hart said he strongly does not recommend reducing staff anymore due to loss of professionalism, responsiveness and because demands of the community are increasing. Councilor O'Keefe said he agreed with Chairman Brown the overriding cost is the employee and retirement expenses. Councilor Wagner asked if both positions are currently budgeted, Town Manager Caron responded yes. Chief Hart said he is willing to try to continue without a lieutenant for this budget year. Councilor Wagner said both positions are currently budgeted, Capt. Hart will try for a year to not fill the lieutenant's position. The strategic plan will be presented in September from both LPD and LFD and at that point the organizational structure will be discussed. This plan will help by setting benchmarks. Councilor DiMarco suggested not filling the position of the lieutenant for FY10 and see if we can continue to do that in the next budget process. Discussion ensued about sharing the airport personnel and staffing levels in surrounding communities. Town Manager Caron explained the lieutenant's position is funded until 6/30/10. The position will be vacant until 6/30/10 and in November we will discuss if it warranted continuing to fund that position for FY11. Police liability costs \$1,200 for one officer; he explained it is the highest single liability we have in Town. The professionalism of the staff saves the Town money. He recommended giving the Chief a target to save money. Councilor Wagner said the personnel issue keeps costing, can he do the savings year after year. She agreed with Councilor DiMarco to discuss this topic again in Oct. Town Manager Caron stated it takes 2-3 yrs to properly train an officer; the Town will be better positioned in the Fall to determine if the position ought to be budgeted for FY11. Chairman Brown said he still wants to re-organize the department which was the consensus of the Council. Councilor O'Keefe said he understands what everyone is trying to accomplish he would like more discussion. Maybe we should table this until the next meeting because one Councilor is not here. Chairman Brown stated we do not have a consensus tonight and he will move it to the next meeting. Councilor DiMarco said he will not be available at the next meeting. It was decided that Council will talk about it again at the 8/17/09 meeting.

Order #2009-12 – Relative to the Expenditure of Rte. 28 West Impact Fees
Councilor DiMarco read the first reading and made a motion to accept the Order.
Seconded by Councilor O'Keefe, Council's vote 4-0-0.

Resolution #2009-12 – Relative to the Reservation of Land for Affordable Elderly Housing - Councilor O’Keefe read the first reading and made a motion to accept the Resolution, seconded by Councilor DiMarco. Councilor O’Keefe questioned if the Town accepts this, are we giving the Elder Affairs Committee the land for private development. Town Manager Caron stated it is a policy statement being made that the Town agrees to reserve the land at this time for no other use except for developing affordable elderly housing. Councilor O’Keefe thought it was a superfund site and the seniors would have concerns over that. Town Manager Caron stated that it was never a superfund site. It was a junkyard; the Town took it for non payment of taxes, and removed waste material like buried tires and metals which were recycled, sub-surface conditions are fine and the property can be developed with the recommendation to connect to municipal water. Currently there are no adverse conditions on the property. Councilor DiMarco stated that if the project does come forward they have to follow all regular planning processes. Town Manager Caron said they will also have to structure a financing package and grants to keep the project affordable. Lastly, project proponents will need Council approval to actually use the land. Council’s vote 4-0-0.

Resolution #2009-13 – Relative to an Amendment to the Municipal Code, Title VI, Chapter XXIX – Energy Conservation Policy. - Councilor O’Keefe read the first reading and made a motion to accept the Resolution, seconded by Councilor DiMarco. Councilor DiMarco asked if the recommendations made by the Energy Taskforce are going to be implemented based on this resolution; Town Manager Caron responded yes. **Council’s vote 4-0-0.**

Resolution 2009-14 – Relative to a Lease purchase Agreement for Solid Waste Containers. Town Manager Caron said the leasing company preferred a resolution confirming that the Town agrees to the lease purchase of the containers with a non-appropriating clause. **Councilor DiMarco read the first reading and made a motion to accept the Resolution, seconded by Councilor O’Keefe. Council’s vote 4-0-0.**

APPROVAL OF MINUTES

Minutes of Council’s Public Meeting of 6/22/09. Councilor DiMarco made a correction to lines 253 & 254 of the 6/22/09 minutes. It should read “reaffirmed and signed plans for “. **Councilor DiMarco made a motion to accept the amended meeting minutes of 6/22/09, seconded by Councilor O’Keefe, Council’s vote 4-0-0.**

OTHER BUSINESS

Liaison Reports – Councilor O’Keefe had a Traffic Safety Committee meeting, the main concern are the 12 accidents that have recently occurred at Rt 102 and Mohawk. The discussion was tabled until the October meeting because the State does not have manpower to do a study right now.

Chairman Brown said he did not have any meetings to attend.

Councilor DiMarco had a Planning Board meeting where they had another public meeting on the NW Small Area Master Plan. They also had a public hearing on small energy systems essentially small windmills for private use and it did pass. Discussion ensued about height and kilowatts. He said it will come to Town Council because it will be a zoning change. The Planning Board had another workshop on workforce housing, a presentation will be coming to the Council. They got an update from Gary O'Neil on marketing strategies on the proposed new website.

Town Manager's Report – Town Manager Caron stated he sent a letter of intent to DOT to request funding for the extension of the path to Wilshire Dr., deadline is in September. He will return to the Council on 8/3 for a policy decision regarding whether or not the Council wants to consider the project. It appears to be an 80/20 match, 20% local share. The Town will have no problem with funding the project at next year's Town Meeting from the undesignated fund balance, however, the major issue is if the Town wants to undertake the cost of providing maintenance for the extension.

The Town did submit a grant for funds to build the N/W fire Department; probability of funding will be challenging due to number of applicants

Andre Garron, Dir. of Community Development is on vacation, not available to give Council their monthly update. Councilors did receive a copy of the updated action plan. There are four updates regarding three issues: Marketing plan and integration of the marketing plan with the website; workforce housing; small area Master Plan work continues.

He said he received a notice from the state 911 mapping plan about conflicting road names in Town. He will have a presentation on 8/3/09 to evaluate the impact and review different strategies to resolve the conflict. He stated he will need policy direction from the Council as to whether the Council wants to continue with the Planning Board as the Appeals Board or take the responsibility back to the Council. Staff is looking at a public information campaign, such as hosting a number of public meetings to minimize the inconvenience of address changes to the residents.

Hills junkyard has requested a delay in compliance work due to the owner's illness. He needs an extension to 9/30/09. Consensus was to give Mr. Hill an extension.

ATM/Finance Dir. Sue Hickey sold a \$1M Hwy bond at a cost of 2.38% for ten years.

Last month the Council expressed an interest in setting a date to meet in a non-meeting to review the two remaining collective bargaining agreements that need to be negotiated this year. (LEAE & AFSCME 3657) Councilors agreed to check their schedules and get back to the Town Manager.

Board/Committee Appointments/Reappointments -

- a. Appointment of Jim Smith from an Alternate position to a Full position on the ZBA, term to expire 12/31/10. Chairman Brown said he had received an e-mail from Vickie Keenan the Chair of the ZBA that the board had approved this appointment. **Councilor DiMarco made a motion to approve the reappointment, seconded by Councilor O’Keefe.** Councilor DiMarco asked if this position was open for advertising in the newspapers. Consensus was to advertise the now vacant Alternate position and approach the people who have already expressed an interest in the position. **Council’s vote 4-0-0.**
- b. Resignation of Melissa Nemon as an Alternate to the Planning Board. **Councilor O’Keefe made a motion to accept the above resignation, seconded by Councilor DiMarco, Council’s vote 4-0-0.**

Chairman Brown made a suggestion about having a School Board member on the Planning Board because we already jointly participate with the School Board on the CIP Committee and joint meetings with the School Board to save money. He also said he thought it was important to have them on the Board due to resident development and its impact on the schools. Councilor DiMarco said the idea had merit, and questioned if the position could be moved up into a full voting position when a full member is absent. Chairman Brown said he would like to see that happen. He said he would prefer it be an ex-officio position through the Town Manager’s designee. He said the Town Manager has done research and there are no statutory issues. Councilor O’Keefe said he likes the idea but he does like the idea of appointing someone new who will have new ideas. Councilor Wagner said the idea has merit because they are impacted when development comes in. Chairman Brown said the School Board has not been approached with this idea yet. Councilor DiMarco questioned if future Councils could decide not to fill the position with a School Board member could they change it. Town Manager Caron responded state has authority over the composition of Planning Boards. Should the Council appoint a School Board Member you are actually appointing an individual; once that School Board term expires then that person could stay on the Planning Board until that term expires. Consensus is to approach the School Board to see if they are interested in the idea.

- c. Alternate Position on the ZBA, Term to Expire 12/31/12 - Consensus was to advertise the position.

ADJOURNMENT

Councilor O'Keefe made a motion to adjourn at 9:47 P. M. Seconded by Councilor DiMarco, Council's vote 4-0-0.

Notes and Tapes by: Margo Lapietro Date: 07/13/09

Minutes Typed by: Margo Lapietro Date: 07/15 /09

Approved; Town Council Date: