

**TOWN COUNCIL
AGENDA
October 18, 2010**

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

II. PUBLIC COMMENT

- A. Interview George Herrmann (Incumbent) as an Alternate to the Conservation Commission
- B. Interview Truda Bloom (Incumbent) as a Full Member to the Conservation Commission
- C. Interview Jim Smith (Incumbent) and Larry O’Sullivan (Incumbent) as a Full Members to the ZBA
- D. Interview Tom Bianchi (Incumbent) as a Full member to the Heritage Commission
- E. Interview Tim McKenney as an “At-Large” Member on the Open Space Taskforce, Ad Hoc member
- F. Interview Joe Green as an Alternate Member to the ZBA

III. PUBLIC HEARING

- A. Receipt of three grants from the Department of Safety, Division of Homeland Security and Emergency Management totaling \$22,990.09 for security improvements at Central Fire Station, to update the Emergency Operations Plan and equipment for the Emergency Operations Center.

IV. OLD BUSINESS

- A. Andre Garron, Community Development Director – Economic Development Update.

V. NEW BUSINESS

- A. FY10 Year-End Review
- B. Staffing Levels – Finance and Administration Department
- C. Resolution #2010-21 – A Resolution Relative to renaming of the lanes within the Whispering Pines Trailer Park

VI. APPROVAL OF MINUTES

- A. Minutes of Council's Public Meeting of 10/04/10

VII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager Reports
- C. Board/Committee Appointments/Reappointments
 - 1. Re-Appointment of George Herrmann as an Alternate Member to the Conservation Commission, three year term to expire on 12/31/13.
 - 2. Re-Appointment of Truda Bloom as a Full Member to the Conservation Commission, three year term to expire on 12/31/13
 - 3. Re-Appointment of Jim Smith as a Full Member to the ZBA, three year term to expire on 12/31/13.
 - 4. Re-Appointment of Tom Bianchi as a Full Member to the Heritage Commission, three year term to expire 12/31/13
 - 5. Re-Appoint Helen Conti, and Stacy Thrall as Full Members to the Elder Affairs Committee, three year terms to expire 12/31/13
 - 6. Re-appoint Sandra Weston as an Alternate Member to the Elder Affairs Committee, three year term to expire 12/31/13.
 - 7. Appoint Tim McKenney as an "At-Large" Member to the Open Space Taskforce, Ad Hoc Member
 - 8. Re-Appoint Joe Green as an Alternate Member to the ZBA, three year term to expire 12/31/13.

VIII. ADJOURNMENT

IX. MEETING SCHEDULE:

- A. Town Council Meeting – November 1, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- B. Town Council Meeting – November 15, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- C. Town Council Meeting – Saturday November 20, 2010, Moose Hill Council Chambers, Budget Workshop, 8:00 AM
- D. Town Council Meeting – November 22, 2010, Moose Hill Council Chambers, Budget Workshop, 7:00 PM
- E. Town Council Meeting – November 29, 2010, Moose Hill Council Chambers, Budget Workshop, 7:00 PM
- F. Town Council Meeting – December 6, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- G. Town Council Meeting – December 9, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

**SUPPORTING DOCUMENTATION
COUNCIL MEETING OF OCTOBER 18, 2010**

I. CALL TO ORDER

II. PUBLIC COMMENT

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- B. Interview Truda Bloom (Incumbent) as a Full Member to the Conservation Commission
- C. Interview Jim Smith (Incumbent) and Larry O’Sullivan (Incumbent) as a Full Members to the ZBA
- D. Interview Tom Bianchi (Incumbent) as a Full member to the Heritage Commission
- E. Interview Tim McKenney as an “At-Large” Member on the Open Space Taskforce, Ad Hoc member – The Council on October 4, 2010 appointed Jeff Locke, which leaves one at-large position vacant. After filling this opening, the only remaining member to be named is a representative from Londonderry’s state legislative delegation, which will be filled after the November 2 General Election
- F. Interview Joe Green as an Alternate to the Zoning Board

III. PUBLIC HEARING –

- A. Receipt of three grants from the Department of Safety, Division of Homeland Security and Emergency Management totaling \$22,990.09 for security improvements at Central Fire Station, to update the Emergency Operations Plan and equipment for the Emergency Operations Center. Staff will be in attendance to answer any questions on these grants.

IV. OLD BUSINESS –

- A. Andre Garron, Community Development Director – Andre will present Giovanni Verani, Prudential Realty and Robert Tourigny, Neighborhood Works, who will offer their insights on the recent news articles talking about the 42 year low in housing starts, how that currently impacts NH, and what these professionals see for New Hampshire moving forward as the economy rebounds.

V. NEW BUSINESS –

- A. FY10 Year-End Review – Sue Hickey, Assistant Town Manager Finance & Administration will lead a discussion on the FY10 year-end audit.
- B. Staffing Levels – Finance and Administration Department – The Town experienced a recent vacancy in the payroll function, and recommend filling the position on a part-time basis, based upon the attached memo.
- C. Resolution #2010-21 – A Resolution Relative to renaming of the lanes within the Whispering Pines Trailer Park - The Town Council is requested to schedule a public hearing for Monday, November 1, 2010 to receive input on the recommendations from the Street Naming Task Force for renaming the lanes within Whispering Pines Trailer Park.

VI. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 10/04/10.

VI. OTHER BUSINESS

- D. Liaison Reports –
- E. Town Manager Reports –
- F. Board/Committee Appointments/Reappointments -
 - a. Re-Appointment of George Herrmann as an Alternate Member to the Conservation Commission, three year term to expire on 12/31/13.
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- h. Re-appoint Joe Green as an Alternate Member to the Zoning Board, three year term to expire 12/31/13.

VII. ADJOURNMENT –

MEETING SCHEDULE:

- H. Town Council Meeting – November 1, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- I. Town Council Meeting – November 15, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- J. Town Council Meeting – November 20, 2010, Moose Hill Council Chambers, Town Council, Budget Presentations, 8:00 AM
- K. Town Council Meeting – November 22, 2010, Moose Hill Council Chambers, 1st Town Council/Budget Workshop, 7:00 PM
- L. Town Council Meeting – November 29, 2010, Moose Hill Council Chambers, 2nd Town Council/Budget Workshop, 7:00 PM

**FOLLOW-UP FROM COUNCIL'S
October 4, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
HB1267	Review new statute to determine impact/ Applicability to Town <i>(In process)</i>	Dave/Bill

**FOLLOW-UP FROM COUNCIL'S
September 13, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Assessments	Review/Develop Hardship Criteria <i>(In process)</i>	Dave/Karen

**FOLLOW-UP FROM COUNCIL'S
July 15, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
LFD Staffing Analysis	Impact of contracting Ambulance <i>(In process)</i>	Dave/Chief M
Town Historian	Seek replacement for Marilyn <i>(In process)</i>	Dave/Margo



Londonderry Finance Department
268B Mammoth Road
Londonderry, NH 03053
(603) 432-1100 x138

Susan Hickey, Assistant Town Manager –
Finance & Administration
email: shickey@londonderrynh.org

To: Dave Caron, Town Manager
From: Susan Hickey, ATM – F&A
Date: October 14, 2010
Re: Payroll Clerk/Office Assistant Position

As you are aware, the payroll clerk/office assistant position recently became vacant. This position is responsible for all aspects of payroll including weekly processing of payroll for approximately 200 employees, preparing federal and state mandated tax forms, prepares the necessary reconciliations and paperwork for month end employee paid benefits, and prepares the backup information necessary for the monthly invoice to MAA for police services, and various administrative office assistance functions. The position was funded on a full time basis at a FY11 budgeted cost of \$61,769.58 for salary and benefits.

In preparation of requesting the position be filled, various options were researched. I spoke with the School Business Administrator regarding the possibility of combining the Town and School payroll functions. According to the SBA, based upon the School's current workload it would be impossible for them to handle our payroll functions without needing to hire another employee on a full time basis to absorb the additional workload. Additionally, the Town and School are not on the same pay schedule or software system which would cause reporting and training issues as well as additional costs for software licenses. The Town invested funds a few years back to have an outside consultant review our department functions in relations to the SAU, and advised the proper course of action was to maintain separate operations. My review of the current situation with the SBA leads to the conclusion that the consultant recommendations are still valid.

Another option reviewed is outsourcing payroll to a pay check service company (PCS). While this option may provides cost savings to the Town, there are limitations based on the variety of hours codes used on a weekly basis and timing problems due to our 24/7

operations. Employees weekly time would need to be entered into a system by our employees, similarly to our current practice, however changes would not be able to be processed within the same week due to rigid deadlines imposed by the PCS. It should be noted that a vast majority of time necessary to complete the payroll function would still need to be completed by town staff, as a PCS would require the aforementioned coding to take place prior to providing the information to the PCS for final processing. The Town has a significant investment in its existing payroll software and personnel training, which outsourcing would create an impact based on its abandonment. The estimated total cost of a PCS is \$34,500 annually which does not include staff time for inputting time worked, insuring compliance with collective bargaining agreements, etc....

Another option reviewed is adjusting the working responsibilities of the payroll clerk/office assistant position in order to fill on a part time basis. While this has the lowest annual cost, recognition must be given to the impact on other members of the staff since the duties of the payroll clerk that would not be completed in a part time capacity would need to be absorbed by the current staff. As the Town has expanded its services, including the MAA monthly invoicing, special committee requests (energy saving committee, cultural affairs, Old Home Days, etc) volume of impact and escrow accounts, and financial reporting requirements due to federal, state and local regulations; the Finance Department has not expanded its staffing level during the past 5 years. Our final option is to replace the payroll clerk/office assistant on a full time basis as it has been structured in the past.

After careful consideration of all of the options and being financially conservative, my recommendation is to fill the position of payroll clerk/office assistant on a part time basis. The total cost to fill the position 32 hours a week would be approximately \$32,800, which represents a savings of \$28,900. The position would be included in the AFSCME 1801 CBA and would not be eligible for medical benefits or retirement.

If you have any questions or would like additional information, please let me know.

RESOLUTION 2010-21

A Resolution Relative to renaming the private roads in Whispering Pines Mobil Home Park

First Reading: 10/18/10

Second Reading/Public Hearing: 11/01/10

Adopted: 11/01/10

WHEREAS The Town Council established a Street Naming System Task Force to enhance public safety by reviewing and correcting addresses which are non-compliant with NH 9-1-1 addressing standards; and

WHEREAS The Town of Londonderry is enabled by NH RSA 231:133 to name public highways and may change the name of a private street or highway when the name change is necessary to conform to the requirements of the enhanced 911 telecommunications system; and

WHEREAS Internal, private roads within Whispering Pines Mobile Home Park have been identified as non-compliant; and

WHEREAS the Town has received the full cooperation from the Town of Derry to make the same changes to streets and properties located in total or in part in their community

WHEREAS The Task Force, in cooperation and consultation with property owners recommend the following alternate street names.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the following name changes be enacted, to become effective January 1, 2011:

Lane 1 be renamed Aqua Place

Lane 2 be renamed Burgundy Place

Lane 2A be renamed Coral Place

Lane 3 be renamed Gold Place

Lane 3A be renamed Grey Place

The Un-named road running between Lane 3A and Lane 3C, providing access to Lane 3B be renamed Lime Place

Lane 3B (westerly from the access) be renamed Orange Place

Lane 3B (easterly from the access) be renamed Lavender Place

Lane 3C be renamed Peach Place

Lane 4 be renamed Purple Place

Lane 4A (westerly from Lane 4) be renamed Tan Place and

Lane 4A (easterly extension) be renamed Raspberry Place

Properties with frontage will be assigned new addresses according to the Town Addressing policy.

Paul DiMarco, Chairman
Town Council

(TOWN SEAL)

Marguerite A. Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
11/01/10

TOWN COUNCIL MEETING
October 4, 2010

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

PRESENT: Town Council: Chairman Paul DiMarco: Vice Chairman Sean O’Keefe; Councilors: Mike Brown; Tom Dolan; John Farrell; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.

CALL TO ORDER

Chairman DiMarco opened the meeting at 7:00 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country and for long time Heritage Commission member John Dahlfred, who passed away on Friday.

PUBLIC COMMENT

Councilor Dolan spoke about his concerns with re-interviewing the volunteers scheduled for tonight. He stated that they have already been vetted for conflicts of interest the only thing we can glean from these re-interviews is a sense of their political alignment. They have served on the boards, know the time commitment involved and expressed his concerns about the process. The Charter prohibits this and he referenced Section 8.12 Prohibition “No person shall be appointed to or removed from or in any way favored or discriminated against with respect to, any Town position or appointed Town administrative office because of age, race, sex, political or religious opinions or affiliations.” He said that tonight we do not have Charter violations, but he cautioned the Councilors to be cautious and not make a decision to re-appoint a candidate based on their political views. The Town is ignoring Section 9.5 that says we must meet annually with “...the chairs of all town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activity for the coming year”. He said that is currently what we are not doing and have not done for years. He asked Council to consider meeting with the Chairs and not re-interviewing volunteers which is prohibited by the Charter. This time should be devoted to what the Charter requires. Art Rugg is the Chair of the Planning Board and Heritage. He stated that to interview Art who has served for years on many boards is silly, he recommend it not be done. He suggested instead interviewing him about the plans for the Planning Board for the rest of the year. Avoid the interviews and move forward with Sec 9.5. Councilor Farrell supports it and recommends interviewing the Chair because it has been about 4 years ago since it was last done. Chairman DiMarco said he does not disagree if the Charter says we should interview the Chairs we should be doing that. He also believes that the Charter says that the Council is responsible for appointing people to these positions to serve a certain term. If the line of questioning starts to get political then it would definitely be a Charter violation. He said he didn’t think anybody on this Council would resort to that. We are elected by people in Londonderry to serve and part of our responsibility is to appoint these people to the boards. We should talk to these people again especially if things have changed. We owe it to the people who elected us to continue with the interviews. Councilor Farrell said up until 2-3 yrs ago the land use boards did the interviews and the recommendations were made by the board Chairman. It was changed a couple of years ago for no apparent reason. He said he believes Councilor

47 Dolan's comments are warranted, he stated he will have not questions for the incumbents.
48 Councilor O'Keefe asked what are we afraid of saying are we afraid of something that might
49 come out, something that might have been discussed. Councilor Brown said we voted at the last
50 meeting by consensus to do this, typically the board moves on, Councilor Dolan is taking a
51 different approach to a vote that he was not in favor of. He has not asked him what his questions
52 will be. Nobody questioned the vote that was made in public session of 3-2.
53

54 **Re-Interview Lynn Wiles (Incumbent), Dana Coons (Incumbent) and Chris Davis**
55 **(Incumbent) to the Planning** - Lynn Wiles, 46 Bartley Hill Rd was asked by Councilor Brown
56 if he attended the Woodmont charrette, L. Wiles responded he attended two of the sessions.
57 Councilor Brown said at the first session he asked the designer what the commercial buildings
58 were going to look like. He said he got the impression the design was already decided based on
59 the vision the developer had. He wanted to do a friendly reminder to the developer that we have
60 a design process in town which incorporates the Heritage Commission whose responsibility it is
61 to specifically look at commercial projects from the standpoint of Heritage and Culture and the
62 people who live here. He said the reaction he got was a derogatory comment about the Heritage
63 Commission not doing a good job so far, and he dismissed him. He asked L. Wiles of his view
64 of the Heritage Commissions recommendations as a Planning Board member and how does he
65 incorporate their suggestions. He asked him how he feels about that type of comment.
66 Councilor Farrell said we are asking questions of someone who is going to be appointed on
67 something that has not been presented in front of the Board or the Heritage Commission, the
68 Planning Board and has not gone through the design review. We are asking him to state what his
69 opinion is on how he may look at a project that has not come to this community, this is not
70 proper. Councilor Brown stated that this is a fair question to ask the applicant. Councilor Farrell
71 said that he has to vote. Chairman DiMarco stated that he knows where Councilor Brown's
72 questions are coming from but it is something that has not been brought before the committees
73 yet and he does not think it is appropriate. Councilor Brown rephrased his question and asked L.
74 Wiles what his views are of the Heritage Commissions role in the Planning Boards' process. L.
75 Wiles responded he appreciates what they do, which is a lot of the preliminary work, they look at
76 the designs, and they do a fine job to assimilate the design work into their review of the town of
77 Londonderry. He was in Huntsville, AL a few weeks ago and had an opportunity to look at a
78 development he did there and he felt he did a good job down there with a southern design. He
79 thinks he will present a traditional New England design up here. Chairman DiMarco thanked
80 him for his service and asked if anything has changed in his status to cause a conflict of interest
81 he responded no. Councilor Farrell commented that it has been great serving with him for 5
82 years.
83

84 Dana Coons, 2 Aspen Circle, is currently serving as an alternate on the Planning Board.
85 Chairman DiMarco asked him if anything has changed that would cause a conflict of interest, he
86 responded no. Chairman DiMarco thanked him for his service. Councilor Brown asked him for
87 his view on the role of the Heritage Commissions role in the Planning Boards' process, how it
88 works and how he viewed their recommendations on commercial projects. D. Coons responded
89 he found their recommendations acceptable, he said he does not always agree with them, but
90 overall they do a fine job.
91

92 Chris Davies, 29 Perkins Rd. is currently serving as a full member on the Planning Board.
93 Chairman DiMarco thanked him and asked him if anything changed to cause a conflict of
94 interest, he responded no. Councilor Brown asked him for his view on the role of the Heritage

95 Commission how it works and how he viewed their recommendations on commercial projects.
96 He said the information is informative to the committee; it keeps with that character of the town.
97 He said he attended the charrette and felt that Andre’s comment was possibly directed at what
98 happened before we started having guidelines enforced. Some developments in town did not
99 follow those guidelines and characteristics. C. Davis said he did look at the proposed ideas and
100 they had some nice concepts particularly the grading on some of the residential units. Councilor
101 O’Keefe asked C. Davis if he saw the board as considering what the public wants vs. the
102 developer. He responded there is a balance; he learned that the property owner has the right to
103 do what they want to do on their property. It is not for us to say they can or cannot do certain
104 things after following ZBA laws. The request of the developer to meet with the abutters to come
105 to some agreement and to sit down and talk with each other has worked out well. Chairman
106 DiMarco thanked him for again serving another term.

107
108 **Interview Jeff Locke for “At-Large” position on the Open Space Taskforce –**
109 Councilor Farrell asked Mr. Locke about his opinion regarding an article in the paper about their
110 not being enough buildable land in town. What does he think about the Open Space land? J.
111 Locke stated that he had not seen the article. He said Open Space has been meeting its mandate
112 very well. He said he does not have any reason to disagree with the numbers Councilor Farrell
113 quoted from the article. As an engineer and financial analyst he said he tends to be objective, he
114 will be looking for factual information to support the conclusion of the taskforce. Councilor
115 Dolan thanked him for volunteering and asked if he would have a conflict of interest in Open
116 Space, J. Locke responded no. Councilor Brown asked if he has a personal perspective on Open
117 Space. J. Locke responded he has been living here for 9 yrs, and his family would like to stay a
118 long time. They have a vested interested in making sure that whatever the taskforce objective is
119 that it is implemented. It is a delicate balance between the needs for growth and business
120 development and what is clearly an economic viable community and state. It should feel like it
121 is livable space, maintain some sense of tradition and stability. Chairman DiMarco asked if you
122 live in Londonderry 20 years from now how would you want to see it but you just answered it.
123 Councilor O’Keefe said the taskforce is formed to review where we go from here, what have we
124 accomplished so far. He asked J. Locke what he would bring to the table to do things with less
125 money, stewardship, etc. J. Locke said there are a lot of developers that will bring services to
126 town, he would use his engineering and financial background and look at some of the
127 assumptions they have, look at estimates of revenues and growth, try to build a consensus if it is
128 effective and accurate and in general instill a sense of deliberate fiscal control to make sure that
129 we don’t make any assumptions that might ultimately create more problems than we solve.
130 Councilor O’Keefe thanked him for volunteering. Chairman DiMarco announced that the other
131 candidate for the Open Space Taskforce will be interviewed at the 10/18/10 meeting.

132
133 **Re-Interview Art Rugg (Incumbent) to the Heritage Commission –**
134 Art Rugg – Heritage Commission, 11 Pine Hollow Dr. said he has been a member for 10-11
135 years. Councilor Farrell asked him how many years of service have he had in the community.
136 A. Rugg responded 24 – 25 years of service. Councilor Dolan thanked him for his years of
137 service. He asked him as an original Charter member what were his thoughts when he wrote the
138 “Prohibition” part in the Charter. Did he envision this process that was started in 2008
139 regarding the re-interviewing of candidates? He asked if this was a mis-read on his part. He also
140 asked A. Rugg about how he felt about it. A Rugg said it is the Town Council’s duty to make
141 appointments, and how to do it. Appoint on merit alone and try to keep politics out of it. It was
142 designed by the Councilors to talk to people to find people to volunteer and on a one-on-one

143 basis to find out the knowledge of the individuals applying for the positions. Councilor Dolan
144 asked A. Rugg if he thinks this re-interview process will encourage more people to volunteer,
145 less people to volunteer or have little or no impact. A. Rugg responded that people volunteer
146 because they want to contribute. Some feel that they are unappreciated as a volunteer.
147 Councilor Dolan thanked him for his service. Councilor Brown asked him what is the role of the
148 Heritage Commission and how important that is to him in terms of the site plans for commercial
149 buildings. A. Rugg responded they get into the nuts and bolts of the design for the historical
150 look of buildings. The design review process works. Councilor Brown asked how he felt overall
151 with the board, A. Rugg responded they have done well; it is a compromise with the developers.
152 Councilor Farrell said the Heritage Commission is an advisory board to the Planning Board and
153 the Planning Board makes sure the recommendations are followed. Councilor Farrell asked if he
154 can remember the Heritage recommending one thing and the Planning Board doing another. A.
155 Rugg said no, they have a good relationship with the Planning Board. Chairman DiMarco
156 thanked A. Rugg for his years of leadership on both the Heritage and Planning Boards.
157 Chairman DiMarco asked if there are any conflicts with being chair of both boards, A. Rugg
158 responded no, they feed into each other. Chairman DiMarco asked if anything has changed that
159 could cause a conflict or interest, he responded no. Chairman DiMarco thanked him again.

160
161 Al Baldasaro, 41 Hall Rd said one councilor wanted to ask a question and was told that he could
162 not comment he said that he should be able to speak. He told the Council that every two years
163 the Secretary of State gets re-interviewed as well as the Clerk. Glenn Douglas, 6 Overlook Pass
164 said the first charrette about Woodmont was held three months ago with state and local officials.
165 He said that seven months ago he asked the Council about the meeting that was held with the
166 Woodmont developers and was told that a Councilor attended and they didn't know when the
167 meeting was. No one wants to answer the question and he was told by numerous people to ask
168 the Town Manager and he has said that no one from town staff attended the meeting. Councilor
169 O'Keefe stated that he was not at any meetings that may or may not have happened.

170
171 **Councilor Dolan made a motion to enter a public hearing, second Councilor O'Keefe.**
172 **Council's vote was 5-0-0.**

173
174 **PUBLIC HEARING**

175
176 **Ordinance #2010-05 – Relative to an Amendment to the Zoning Ordinance Revising the**
177 **Number of Units in a Residential Multiunit Structure and Associated Phasing Ordinance**
178 **Revisions** – Tim Thompson reviewed the history and went over the changes. The changes were
179 to allow three buildings not more than 48 dwelling units per year in the R-II district; outline the
180 phasing requirements for the R-III district when a conditional use permit (CUP) to increase the
181 number of units per building is granted by the Planning Board (PB): change the units per
182 building from 16 to not more than 20 when a CUP is granted. T. Thompson stated that the
183 Planning Board believes this is an appropriate compromise that meets the intent of the request of
184 the Council. Councilor Farrell asked if we have any workforce housing projects coming soon, T
185 Thompson replied that there is a conceptual discussion next Wednesday night. Neighbor Works
186 of Greater Manchester is interested in looking at the Whittemore Estates project that was
187 approved as an 83 unit elderly housing development that has been stagnant with only one
188 building constructed. They are coming to the PB to discuss a conversion to a workforce project
189 with 8 unit multi-family buildings. Councilor Farrell asked if there were any projects sitting in
190 design review before this one. T. Thompson responded yes there is a project on Stonehenge Rd,

191 they are still allowed to continue under the 24 units per building requirement from the previous
192 ordinance. Councilor Dolan thanked the PB for their work; he questioned clarification of
193 Section 1.3.3.4 that allows twenty-five single families on individual lots per year. Councilor
194 Dolan questioned the density of units per acre and asked if there were any changes. T.
195 Thompson responded it makes no change to the number of units per acre that are allowed in each
196 of the zones. Currently we allow ten units per acre for a multi-family inclusionary project that is
197 still the same. The only change is the number of units per building is being dropped from 24 to
198 16 because most multi-family project inclusionary projects are likely to be located in AR-I zoned
199 districts which have single family homes. They were concerned with the scale of 24 unit
200 buildings overwhelming predominantly single family neighborhoods. Councilor Dolan asked if
201 there was some concern from developers about this making their developments more expensive.
202 T Thompson responded it was more staff's concern. The workforce housing law is very clear
203 that the ordinances and regulations can't have the effect of making it unfeasible from a financial
204 perspective. It made a 7-10% difference in cost which was not deemed significant. Councilor
205 Dolan questioned the escalation in the price of the buildings. T. Thompson responded that legal
206 counsel's advice was as long as the board determined that it was not a significant cost difference
207 he could defend it. Councilor Brown said the phasing changes, changed from 2 buildings with a
208 total of 48 per year to 3 buildings of a smaller scale but still 48. People can come in for a CUP
209 change from 3 buildings and a total of 48 to 2 buildings and a total of 40, T. Thompson
210 responded that was correct. T. Thompson said the PB wanted to keep the number of units
211 consistent as possible throughout the phasing requirements. Councilor Brown questioned the 5
212 criteria on the CUP listed in the R-III versus those in the Elderly Housing. T. Thompson
213 responded right now there are no conditional use permit criteria of any kind in our R-III districts,
214 we needed to establish those. T. Thompson said generally speaking the elderly projects have
215 been successful; they didn't want to change those as they did with the R-III and inclusionary
216 housing. Councilor Brown asked if we allow conversions of previously approved elderly
217 housing. T. Thompson responded we do but they are likely not going that route because that
218 particular lot where Whittemore Estates is located would meet the CUP criteria for a standard
219 starting from the beginning.. They will probably abandon the original project and start a new
220 one. It is allowed if they meet the CUP criteria for a standard inclusionary project they would be
221 allowed to use those standards. Pauline Caron, 369 Mammoth Rd asked if the 16 density
222 requirement applies to a planned unit development. T. Thompson responded no, a planned unit
223 development (PUD) will go through a Master Planning process with the PB and those regulations
224 will be set-up as part of that Master Plan for the project. P. Caron stated that they would have all
225 new regulations. T. Thompson stated the intent of the PUD is that the Master Plan will replace
226 the zoning for that particular area and that the PB will develop what the requirements will be for
227 that specific project. Councilor Farrell asked if the PUD can say it is only 8 units. T. Thompson
228 said yes if that is what is agreed to as part of the Master Plan. As long as you do not exceed 6
229 units per gross acre of the tract 24 is the maximum allowed. In terms of phasing and the number
230 of units per building those are all items that can be negotiated as part of the PUD. Councilor
231 Farrell clarified that it can be negotiated and the PB has to agree to it as well as the developer, T.
232 Thompson said that is correct. Councilor Brown clarified under the PUD there is no phasing and
233 no GMO at the start. T. Thompson replied the GMO will still apply in regards to the overall
234 number of the permit cap for the town, phasing will be part of the development of the PUD
235 master plan. Councilor O'Keefe asked if the PB would be using this as a guidance tool.
236 Councilor Farrell said his assumption is he would personally look at what our rules are today;
237 and what are they proposing and how does it vary. If everything they do falls within our current
238 guidelines then we would have a good negotiation. He would want to know what is outside our

239 current guidelines. Whenever a PUD comes before the PB it will be vetted very heavily.
240 Councilor Brown asked when the designer publicly stated he will do 60 per year he is assuming
241 something, T. Thompson responded yes. Al Baldasaro, 41 Hall Rd. and Vice Chair of the Elder
242 Affairs said the developer took 13 acres of the land for elderly housing on Sanborn Rd. they
243 could only fit 3 buildings on that land. They have to go to HUD to submit their paperwork. He
244 asked if there is a definition of elderly in the ordinance. This is for 62 and over. T. Thompson
245 said affordable elderly housing is required to be 62+. Chairman DiMarco clarified that tonight
246 we are voting on a change to an ordinance we are not here to vote on elderly housing. Art Rugg,
247 Planning Board Chair said the workforce housing has been about a two year process and thanked
248 the staff and public for their work and ideas. He wanted T. Thompson to be recognized for his
249 work. Councilor Dolan referred A. Baldasaro to section 3.6.5.2.1.3 of the zoning ordinance
250 where it says “The owner of record shall enter an agreement to be filed in the Rockingham
251 County Registry of Deeds, certifying that the project will be utilized and restricted to 100%
252 elderly occupants (either 55+ or 62+ depending on whether the project is standard elderly
253 housing or affordable elderly housing respectively).” **Council’s vote was 5-0-0.**
254

255 **Councilor Farrell made a motion to come out of public comment, second Councilor**
256 **O’Keefe. Council’s vote was 5-0-0.**
257

258 **OLD BUSINESS**

259
260 None
261
262

263 **NEW BUSINESS**

264
265 **NHDOT Presentation on Exit 5 and South Road Projects** – Peter Stamnas from NHDOT was
266 in attendance as well as DPW Director, Janusz Czynowski and Dan Premo who is the NHDOT
267 lead reviewer. P. Stamnas explained that both projects are planned for construction the spring of
268 2011. Exit 5 is approximately \$48M of work and will complete the project at the Exit 5
269 interchange. It is approximately 2 miles of north bound and south bound mainline work. He
270 explained they will relocate the northbound off ramp. Four bridges will be replaced, ¾ of a mile
271 of Rt.28 will be reconstructed, new signal lights will be installed at Liberty Dr. The work will
272 take approximately 3+ seasons and will be substantially complete the summer of 2014. The
273 South Road project will involve replacing the town owned culvert on South Rd. and they will do
274 some roadway approach work to the culvert. This work is all funded by the state. Councilor
275 O’Keefe asked if the height of the road will change, P. Stamnas responded yes there will be
276 some grade changes. Councilor Farrell asked if Auburn Rd will be involved, P. Stamnas
277 responded yes and Dan Premo will give the details. Dan Premo went into more detail and
278 showed plans to the public and Council. Councilor Farrell asked about the two lane
279 configuration and the future widening of I93. P. Stamnas said the design is being constructed
280 with a 4 lane footprint and 3 lanes will be carried through for the corridor with the anticipated
281 future widening. He said a raised island will be throughout the area except for between Auburn
282 and Liberty which will remain a painted island at this point in time. In the future if traffic
283 conditions at Auburn Rd become an issue then the ultimate plan would be to extend the raised
284 island all the way through from the north bound ramps through the Liberty Drive intersection.
285 This would prohibit traffic from taking a left out of Auburn Rd.; they would have to go through
286 Independence, out to Liberty Drive to the signalized section. Councilor Farrell brought up the

287 fact that the Auburn Rd intersection is already a dangerous intersection. Public Works Director
288 Janusz Czyzowski said they brought this up to the state and they are taking it into consideration.
289 If the open area does not work out they will close it. Councilor Farrell asked J. Czyzowski what
290 is his opinion on the intersection, he replied he would like to see it closed. Councilor Farrell
291 asked the NHDOT to consider Janusz's opinion. The consensus of the Councilors was that the
292 intersection is hazardous and asked the state to put a raised island there. P. Stamnas said they
293 want to see how their plan works and if it doesn't they will eliminate the left turn. Councilor
294 Dolan said on the south side, exiting off the ramp it is full at times, would the state have to come
295 back and modify the ramp after commercial developers have built around the area of Exit 5.
296 Discussion ensued about the off ramps. Dan Premo said once the improvements are made at the
297 exit ramp approaching Rt. 28 they will have two left turning lanes and one right turn, the design
298 goes to the 2025 traffic patterns. Discussion ensued about the stop sign for right turning traffic
299 when it should be a yield. D. Premo explained the traffic patterns during construction. J.
300 Czyzowski said right now the proposed construction is 100% funded by the state, if the
301 improvements might be changed who is responsible. P. Stamnas said it will be funded 100% by
302 the state. Councilor Dolan asked about the state funding between exit 3 and 4. P. Stamnas said
303 there is a report due in the near future about finding revenues for the entire I93 project from
304 Salem to Manchester which is a 20 mile stretch. He said he feels confident the money will be
305 available. Reed P. Clark asked how long it will take; P. Stamnas said the completion date is
306 2020. Chairman DiMarco asked if the Londonderry Trailways had been in contact with the state
307 about the trailways. P. Stamnas said initially there was no contact, but they did ask to see what
308 improvements could be made. The state did extended the footprint toward the west and made it
309 more uniform. Councilor Brown asked if Exit 4A is in the 10 year plan, P. Stamnas responded
310 from the construction aspect no. P. Stamnas explained that South Rd is part of the I93
311 mitigation package which includes about 75 acres. Approximately 7.5 acres is a wildlife turtle
312 habitat. Work will occur the same time as the work at Exit 5 because excavating materials at
313 the South Rd site will be used for the Exit 5 work. The culvert replacement work will involve
314 closing the road for 2 weeks. There are flooding problems at that road. J. Czyzowski said the
315 state incorporated our design into replacing the culvert and the state is paying for it. Councilor
316 Dolan thanked both men for coming and asked for electronic files to be put up on the town
317 website. P. Stamnas said he will do that. He also said he has some agreements with the town to
318 do some work on town roads to control traffic and acknowledged that the culvert replacement on
319 South Rd. will be paid for by State. He said the winter maintenance of sidewalks installed at
320 Exit 5 will be the responsibility of the town. Councilor O'Keefe asked how much sidewalks were
321 involved and P. Stamnas replied it will entail about 2 miles in length.

322
323 Order #2010-17 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects –

324 Councilor O'Keefe made a motion to adopt, second Councilor Farrell. Councilor Dolan asked
325 the Town Manager if this money could come out of impact fees. Town Manager Caron
326 responded that historically impact fees have been reserved for paying for debt service on
327 recently-completed improvements, construction of new improvements or to save money for
328 future new improvements, additions or acquisitions. The Maintenance Trust is designed to pay
329 for repairs for which all of the expenses listed in the Order qualify. Councilor Dolan responded
330 that the Maintenance Trust Funds are under stress; why not take it out of impact fees which
331 might be under less stress. Town Manager Caron responded that due to the lack of building
332 activity our impact fees are not growing and are in greater stress than the Maintenance Trust
333 Funds. Police and Fire impact fees are going to contributions to debt service in the FY12 budget.
334 Chairman DiMarco asked what the scope of work for the bandstand was. Town Manager Caron

335 responded they installed a new roof, paint, new handrails, stained the ramp, painted the floor, and
336 repairing rotten wood throughout the structure. **Council's was vote 5-0-0.**

337

338

APPROVAL OF MINUTES

339

340 Minutes of Council's Public Meetings of 09/20/10. **Councilor Farrell made a motion to**
341 **accept the minutes, second Councilor O'Keefe. Council's vote was 5-0-0.**

342

343

OTHER BUSINESS

344

345 **Liaison Reports** - Chairman DiMarco send he went to the meeting with the Manchester Airport
346 Authority along with the Town Manager and Andre Garron and saw their Master Plan
347 presentations. Councilor O'Keefe attended the Traffic Safety Committee and they talked about
348 the parking issue at Kendall Heights. It was decided that the Police will first seek compliance
349 with the parking regulations, if that proves unsuccessful, then enforcement would be required.
350 Councilor Dolan attended the Conservation Commission meeting and the subject came up about
351 the maintenance of the Musquash. He attended the School District meeting and they are going
352 through a re-accreditation which involves a lot of work.

353

354 **Town Manager Reports** - Town Manager Dave Caron said he is starting to work on the FY12
355 budget in accordance with the Council's directive to maintain the same tax rate as the FY11 tax
356 rate. Accordingly, he is working towards reducing the operating budget by \$1.045M as
357 requested by Council and he had a department head meeting relaying that information to them.
358 He asked the Councilors to review the upcoming meeting schedule including the budget
359 workshops. The N/W fire station progress is continuing, substantial completion should be
360 reached by the end of October. Chairman DiMarco asked if Litchfield Rd. is still blocked, he
361 responded yes. He said the completion of the Page/28 intersection has been delayed due to the
362 shortage of traffic paint nationwide. Councilor Dolan stated that it is important to maintain the
363 consensus of the budget goal; it is a serious issue that it has to be maintained.

364

365 Board/Committee Appointments/Reappointments -

366

- 367 1. Re-Appointment of John Michaels to the Londonderry Exchange
368 Committee, three year term to expire on 12/31/13
- 369 2. Re-Appointment of Duane Himes as a Full Member to the SWAC, three
370 year term to expire on 12/31/13
- 371 3. Re-Appointment of Martin Surgis as an Alternate Member to the SWAC,
372 one year term to expire on 12/21/11
- 373 4. Re-Appointment of Lynn Wiles and Chris Davies as Full Members to the
374 Planning Board, three year terms to expire on 12/31/13
- 375 5. Re-Appointment of Dana Coons as an Alternate Member to the Planning
376 Board, three year term to expire on 12/31/3
- 377 6. Appoint Jeff Locke as "At-Large" representatives to the Open Space
378 Taskforce, Ad Hoc position.
- 379 7. Re-Appointment of Ben Parker as an Alternate Member to the Recreation
380 Commission, one year term to expire on 12/31/11
- 381 8. Re-Appointment of Mike Boyle as a Full Member to the Recreation
382 Commission, three year term to expire 12/31/13

- 383 9. Re-Appointment of Patty Hanley as a Full Member to the Recreation
384 Commission, three year term to expire 12/31/13
385 10. Re-Appointment of Art Rugg as a Full Member to the Heritage
386 Commission, three year term to expire 12/31/13
387

388 **Councilor Dolan made a motion to accept all the above appointments and re-appointments,**
389 **second Councilor Farrell. Council's vote was 5-0-0.**
390

391 Councilor Dolan asked the Council consider asking the Town Manager to look at HB 1267
392 regarding Hawkers and Peddlers. He said this law could allow us to impose that these people
393 have background checks. He asked the Town Manager to investigate the pros and cons about
394 adopting an Ordinance for this. Town Manager Caron said we have a current Ordinance in
395 place requiring them to obtain a state permit and if they don't produce one upon request he
396 recommended that residents call the police department. Town Manager Caron said he will check
397 it out.
398

399 **ADJOURNMENT**

400 **Councilor Farrell made a motion to adjourn at 9:35 PM, second Councilor O'Keefe.**
401 **Council's vote was 5-0-0.**
402

403 **Notes and Tapes by: Margo Lapietro Date: 10/04/10**

404
405 **Minutes Typed by: Margo Lapietro Date: 10/06/10**

406
407 **Approved; Town Council Date:**