

**TOWN COUNCIL  
AGENDA  
September 12, 2011**

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. Meg Seymour, Town Clerk-Tax Collector – Confirmation of Kathleen Gardner as Deputy Town Clerk-Tax Collector

III. PUBLIC HEARING

- A. Ordinance #2011-07 – Relative to an Amendment to Title I, Chapter XXVI, Prohibited Activities on Town Property
- B. Ordinance #2011-08 – Relative to Revisions to the Municipal Code, Title I, Chapter XXIV; Title II, Chapters I – X; and Title IV, Chapter III.
- C. Ordinance #2011-09 – Relative to the Rezoning of Several Lots to C-II.

IV. OLD BUSINESS

- A. Appointments to the Public Safety Dispatch Services Study Committee
- B. Appointments to the Dog Park Study Committee
- C. Resolution #2011-14 – Relative to the Transfer of an Easement to the Rockingham County Conservation District
- D. Order #2011-06 - Relative to the Distribution of Conservation Funds to Purchase a Conservation Easement, 587 Mammoth Road.
- E. Resolution #2011-04 – Relative to the Discontinuance of a Portion of Scobie Pond Road – Corrective Language only.

V. NEW BUSINESS

- A. Order #2011-16 – Relative to the Distribution of Capital Reserve Funds for Highway Trucks
- B. Resolution #2011-15 – Relative to Londonderry Leach Library Technology Plans

VI. APPROVAL OF MINUTES

- A. Minutes of Council's Public Meeting of 8/15/11

VII. OTHER BUSINESS:

- A. Liaison Reports
- B. Town Manager Report
- C. Board/Committee Appointments/Reappointments
  - i. Appointment of William Bringhurst to the Library Board of Trustees, term to expire March, 2012
  - ii. Acceptance of Resignation – Town Treasurer Robert Lincoln

VIII. ADJOURNMENT

IX. MEETING SCHEDULE:

- A. Town Council Meeting – September 19, 2011, Moose Hill Council Chambers, 7:00 PM
- B. Town Council Meeting – October 3, 2011, Moose Hill Council Chambers, 7:00 PM
- C. Town Council Meeting – October 17, 2011, Moose Hill Council Chambers, 7:00 PM
- D. Town Council Meeting – November 7, 2011, Moose Hill Council Chambers, 7:00 PM

**SUPPORTING DOCUMENTATION  
COUNCIL MEETING OF SEPTEMBER 12, 2011**

I. CALL TO ORDER

II. PUBLIC COMMENT

- A. Town Clerk-Tax Collector Meg Seymour – Confirmation of Deputy Town Clerk-Tax Collector – Meg will introduce Kathleen Gardner as her nominee for the position of Deputy Town Clerk-Tax Collector. Pursuant to RSA 41:18, the appointment requires Council confirmation. Kathy replaces Jane Hicks, who retired earlier in the year; the Council authorized staff to fill the position at the April 18 meeting.

III. PUBLIC HEARING

- A. Ordinance #2011-07 – Relative to Amendments to Title I, Chapter XXVI, Prohibited Activities on Town Property – Attached is a proposed amendment which prohibits target shooting on town property, as discussed with the Conservation Commission at the Council’s July 11 meeting. Should the Council choose to prohibit this activity, the Police Department advises that an ordinance amendment is the most appropriate enforcement method. (Please note that this proposed ordinance does not change the current town policy to allow hunting on town property.)
- B. Ordinance #2011-08 – Relative to Revisions to Various Titles in the Municipal Code – Attached is an ordinance which completes the review of Titles I & II, and recommends changes to Title IV, Chapter III; this latter Chapter needs revisions to implement the transfer of certain inspection responsibilities from the Fire Department to the Building Division as contemplated during the FY12 budget process.
- C. Ordinance #2011-09 – Relative to the Rezoning of Several Lots to C-II – Attached is a memo from staff presenting the Planning Board’s recommendation to rezone Lots 15-183; 15-184, 15-185 and 13-96B to C-II. Staff will be in attendance to provide additional information and answer any questions.

IV. OLD BUSINESS

- A. Appointments to the Public Safety Dispatch Services Study Committee – The Council approved Resolution 2011-12 at the August 15 meeting which created the Committee. Margo previously sent information submitted by residents interested in filling the four available Committee positions. Attached is a roster of Committee members selected by the various appointing authorities.
- B. Appointments to the Dog Park Study Committee – The Council approved Resolution 2011-13 at the August 15 meeting which created the Committee. Margo previously sent information submitted by residents interested in filling the four available Committee positions. Attached is a roster of Committee members selected by the various appointing authorities.
- C. Resolution #2011-14 – Relative to the Transfer of an Easement to the Rockingham County Conservation District – Attached is a resolution supported by the Conservation Commission and Sunnycrest Farm, Inc. to transfer the easement on 20.88 acres of land to the RCCD, who would become responsible for easement monitoring activities; the Conservation Commission would retain an executory interest in the property. (This item was continued from the August 15 meeting.)
- D. Order #2011-06 – Relative to the Distribution of Conservation Funds to Purchase a Conservation Easement, 587 Mammoth Road – The request of the Conservation Commission to expend up to \$219,000 to purchase a Conservation Easement on 20 +/- acres of Map/Lot 17-10 was deferred from the June 6 meeting.
- E. Resolution #2011-04 – Relative to the Discontinuance of a Portion of Scobie Pond Road – Corrective Language only – The Council at its May 16 meeting approved the discontinuance of a small portion of Scobie Pond Road; the attached Resolution has been corrected to cite the plan which correctly references the discontinued area. To correct the Town's official records, the Council is requested to adopt the attached resolution.

V. NEW BUSINESS

- A. Order #2011-16 – Relative to the Distribution of Capital Reserve Funds for Highway Trucks - Attached is an Order authorizing the expenditure of Capital Reserve Trucks for the replacement of three vehicles for the Highway Division.
- B. Resolution #2011-15 – Relative to the Londonderry Leach Library Technology Plans – Attached is a proposed resolution to be transmitted to the Board of Trustees requesting the Board to share its vision of increasing use of technology at the Library and resulting impact upon operating efficiencies and the FY13 budget.

VI. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 8/15/11.

VII. OTHER BUSINESS -

- A. Liaison Reports –
- B. Town Manager Report –
- C. Board/Committee Appointments/Reappointments -
  - 1) Appointment of William Bringham to the Library Board of Trustees, term to expire March, 2012
  - 2) Resignation of Robert Lincoln, Town Treasurer

VIII. ADJOURNMENT –

IX. MEETING SCHEDULE:

- E. Town Council Meeting – September 19, 2011, Moose Hill Council Chambers, 7:00 PM
- F. Town Council Meeting – October 3, 2011, Moose Hill Council Chambers, 7:00 PM
- G. Town Council Meeting – October 17, 2011, Moose Hill Council Chambers, 7:00 PM
- H. Town Council Meeting – November 7, 2011, Moose Hill Council Chambers, 7:00 PM

**FOLLOW-UP FROM COUNCIL'S  
August 15, 2011 MEETING**

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ISSUE	ACTION	RESPONSIBILITY
Ord. 11-07 thru 09	Publish notices <i>(Done)</i>	Dave/Margo
Ad-Hoc Comm.	Advertise vacancies and notify appointing Authorities <i>(Done)</i>	Dave/Margo
Easement Transfer	Continued until the Sept. 12 meeting <i>(On 9/12/11 agenda)</i>	Dave
Target Shooting	Determine liability and enforcement for hearing <i>(On 9/12/11 agenda)</i>	Dave/Bill
Deliberative Session	Council selected February 6 <i>(Date confirmed)</i>	Dave

**ORDINANCE #2011-07**  
**AN AMENDMENT TO THE MUNICIPAL CODE,**  
**TITLE I, CHAPTER XXVI**

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**Introduced: 8/15/11**  
**Second Read/Public Hearing: 9/12/11**  
**Adopted: 9/12/11**

**WHEREAS** the Conservation Commission has expressed safety concerns regarding target and skeet shooting in the Musquash; and,

**WHEREAS** the Town Council requested that an ordinance is prepared to address this concern, without impacting the right to hunt on town property;

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title I – General Code, Chapter XXVI, is hereby amended to prohibit target and skeet shooting on town property.

Sean O’Keefe - Chairman  
Town Council

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Meg Seymour

Town Clerk

(TOWN SEAL)

**A TRUE COPY ATTEST:**  
*xx/xx/xx*

## Chapter XXVI – PROHIBITED ACTIVITIES ON TOWN PROPERTIES

### SECTION I PROVISION

- A. In addition to activities which are prohibited by other local, state or federal rules, regulations, laws, statutes or ordinance, no person shall engage in the following activities on municipally-owned property within the Town of Londonderry.

### SECTION II PROHIBITED ACTIVITIES

- A. Smoking, meaning having in one's possession a lighted cigarette, cigar, or pipe, or any device designed to produce the effect of smoking, shall not be permitted within 20 feet of any entry point to any municipally-owned property.
- i. Entry point is defined as an exterior door to a building, and for other facilities/properties is an area where the public is required to enter in a specific area due to the presence of manmade improvements such as fencing, or where natural topography or features create a similar effect as fencing.
  - ii. This ordinance shall be effective upon passage by the Town Council and erection of signage alerting the public to the prohibited activity in said designated areas.
  - iii. These regulations shall be in addition to the regulations promulgated by the Indoor Smoking Act (RSA 155:64-77).
- B. Target or Skeet Shooting, meaning discharging a firearm at a stationary or moving target. Hunting of game on town property shall be allowed, in accordance with all rules, regulations and statutes as promulgated by the State Legislature or the State of New Hampshire Fish and Game Department.*

### SECTION III PENALTIES

- A. Any person who violates any of the provisions of this title shall be guilty of a misdemeanor; and shall be subject to a penalty of \$275 for the first offense and \$550 for subsequent offenses.

~~End of Chapter~~



**ORDINANCE #2011-08**  
***REVIEW AND REVISIONS TO THE MUNICIPAL CODE,***  
***TITLE I, CHAPTER XXIV; TITLE II, CHAPTERS I – X; and***  
***TITLE IV, CHAPTER III***

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**Introduced: 8/15/11**  
**Second Read/Public Hearing: 9/12/11**  
**Adopted: 9/12/11**

***WHEREAS*** Section 3.10 of the Town Charter requires a decennial revision or codification of the ordinances of the Town; and,

***WHEREAS*** the FY12 Budget included a realignment of responsibilities between the Fire Department and Building Division which requires amendments to Title IV, Chapter III; and,

***WHEREAS*** all current Chapters in Titles I and II have been reviewed for recommended edits;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title I – General Code, Chapters XXIV, Title II – Traffic Safety Code, Chapters I – X; and Title IV, Public Health, Safety and Welfare, Chapter III, is hereby amended pursuant to the attached summary.

Sean O’Keefe - Chairman  
Town Council

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Meg Seymour

(TOWN  
SEAL)

Town Clerk

***A TRUE COPY ATTEST:***  
*xx/xx/xx*

<b><i>Recommended Revisions to the Municipal Code – Title I General Code</i></b>		
<b><i>Chapter</i></b>	<b><i>Title</i></b>	<b><i>Recommended Revisions</i></b>
XXIV	Cable Television	No significant changes; many updates; explanation of policies and procedures removed to operating guidelines to be managed by Cable Director.
<b><i>Recommended Revisions to the Municipal Code – Title II Traffic Safety Code</i></b>		
I	Definitions	Corrected misprints
II	Traffic Safety Committee	Revisions to align ordinance with Committee structure; clarify Committee responsibilities
III	Authority of Police	No Changes Recommended (NCR)
IV	Traffic Signs and Signals	NCR
V	Pedestrians' Rights and Duties	NCR
VI	Stopping, Standing and Parking	Updated statutory references.
VII	Snow Removal	NCR
VIII	Off Highway Vehicle Use	NCR
IX	Through Trucking	NCR
X	Miscellaneous Provisions	Amends noise restriction hours from 10PM-10AM, to 10PM-730 AM
<b><i>Recommended Revisions to the Municipal Code – Title IV Public Health, Safety and Welfare</i></b>		
III	Fire Prevention	Extensive rewrite to update code references, and divisions of responsibility to allow Building Division to assume some inspection responsibilities in accordance with the inspection reorganization set forth in the FY12 Budget.

## CHAPTER XXIV - CABLE TELEVISION

### SECTION I AUTHORIZATION FOR CABLE TV FRANCHISE

- A. Approval – *RSA 53-C authorizes the Town to enter into non-exclusive agreements to provide cable television service to the community.* ~~The voters of the Town have authorized the Town Council to allow any brand of cable television within the Town. (Art 34, TM 1981)~~
- B. Restrictions
1. ~~The Town Council is hereby authorized to enter into a cable television franchise agreement, provided that no use of eminent domain is involved, that the franchise be non-exclusive, that the franchise include a construction schedule with performance bond, and written commitments to timely service, protection of consumer privacy and the restoration of property, and that the franchise comply with all applicable laws and regulations.~~
  2. ~~The Town Council is authorized to proceed with the participation and advice of the Cable TV Advisory Committee in the process of seeking and evaluating bids and negotiating terms; said process to be open and formal, requiring prior public hearings and full disclosure while prohibiting kickbacks, influence peddling and backdoor contacts, and ensuring the recovery of all Town costs from applicants and franchisees. (Art 25, TM 1982)~~
- C. Funds for Local Programs
1. The Town Council is authorized to accept the franchise fee from *the cable television provider Harron Communications* (as per the contract with the Town) and dedicate these funds *.of which all or a portion may be used for PEG access television, programs and facility management as well as any other cable related expenses as determined by the Town Council from time to time.* ~~These funds can only be expended upon recommendation of the Cable TV Advisory Board of Londonderry (CABL) and with the approval of the Town Council~~

~~using the standard payment practices of the Town. (Art 13, TM 1984)~~

## SECTION II NAMES AND LOCATION

- A. Londonderry's Public Access Channels are known as CTV-20 and DIG-170 and will be referred to as such throughout this document
- B. Londonderry's Educational Access Channel is known as *LEO 21* ~~ETV-51~~ and will be referred to as such throughout this document
- C. Londonderry's Governmental Access Channels *are* ~~is~~ known as *GOV-22 & 30* ~~52~~ and will be referred to as such throughout this document.
- D. Londonderry, Public, Educational, and Governmental (PEG) Access, known as the LAC (Londonderry Access Center) facilities, are located *on* ~~in~~ the Londonderry High School *campus, 281* ~~at 295~~ Mammoth Road.

## SECTION III AUTHORITY AND GOVERNANCE

- A Authority
  - 1. Public, educational, government access and the LAC exist as a result of the *cable* franchise agreement ~~between Harron Cablevision of NH and the Town of Londonderry. They continue as a cooperative effort of the town of Londonderry, the Londonderry School District and Harron Cablevision of New Hampshire.~~
- B. Governance
  - 1. The PEG LAC *and public and government channels are* ~~Facilities are~~ managed by *the Director of Cable Services under the direction of the Town Manager* ~~a studio coordinator under the direction of the Cable Advisory Board of Londonderry (CABL)~~
  - 2. The educational channel is managed by the School District. ~~The CTV-20 Channel is managed by a studio coordinator under the direction of CABL.~~
  - 3. ~~ETV-51 is managed by Harron's Program Director in conjunction with the School District Director of Library Media Services and under the direction of the CABL.~~

4. ~~GOV 52 is managed by Harron's Program Director under the direction of the CABL.~~

## CHAPTER XXIV - CABLE TELEVISION (Cont'd)

### SECTION IV ELIGIBILITY TO USE THE PEG ACCESS FACILITY

- A. Use of the PEG Access Facilities is free of charge to community members. Community members include residents of Londonderry and employees of the Town and/or School District and businesses (non-commercial) and organizations that service Londonderry..Other Londonderry organizations and agencies occasionally may wish to utilize those among their membership who do not reside in Londonderry. This is acceptable if the program being produced is officially sponsored by the organization/agency in question.
- B. Community members are eligible to use the facility and/or the equipment therein when they have successfully completed appropriate training. Training in the proper use of the PEG access facility and equipment will be provided by the LAC staff ~~for public access users and Harron's Program Director for educational and governmental users.~~ Training will be provided on an on-going basis. Some areas of production require certification.
- C. Use of the LAC and equipment is a privilege that can be suspended if these policies are not adhered to or if equipment or facilities are misused or abused. In addition, volunteers must abide by the rules of the building in which a shoot is taking place. (see section 14-2.20 for specifics)

### SECTION V CHANNEL USAGE

- A. Public Access Channel - Every community member is guaranteed the right to have a program that they produce or sponsor cable cast at least once provided they have signed a statement of compliance *available from the Director* (see ~~addendum~~) stating that said program is within the guidelines set

forth by the Cable Act of 1984 and does not violate these policies or any federal, state or local ordinances.

**CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

- B. Educational Access Channel ~~ETV-51~~ - The School District is *responsible for access and content for* ~~not obligated to provide such access (as noted above) to LEO 21 ETV-51 and as such is not subject to the Town's Municipal Code.~~ *may regulate content of any program as per existing School Board policies (see addendum for regulation).* *The School District should be contacted regarding its rules and procedures for LEO 21.*
  
- C. Governmental Access Channels - ~~or School District.~~ All government automated meeting operators (GAMOs) are trained by the LAC Training Coordinator to use the equipment in the Town Council chambers. GAMOS are paid a stipend to cover meetings. Meetings held off-site will be covered by staff and/or trained volunteers. Coverage will be gavel-to-gavel. Editorial comment is not allowed. Coverage will be live cable cast. When there is more than one meeting to be covered in the same general time frame, the Director will determine coverage priority.

**SECTION VI STATEMENT OF PURPOSE**

- A. Public access exist to promote a basic tenet. As noted by Sanders, et al. in NFLCP Cable Access Advocacy Handbook “in the 'Electronic Age' the people's freedom of speech means the right to view and create a diversity of information.”
  
- B. ~~ETV-51 exists to provide a means of communication between the schools and the greater community. ETV-51 also provides for information exchange between schools and learning opportunities in the utilization of the medium of television to produce unique messages.~~
  
- B. *Government access* exists to provide the community with an opportunity to become informed by viewing, first hand, unedited coverage of its governing boards and committees.

## SECTION VII STATEMENT OF NON-DISCRIMINATION

- A. No individual or group shall be denied access to the PEG channels, access facilities or equipment on the basis of race, color, sex, age, disability, religious or political belief, or sexual orientation.

## SECTION VIII ROLE OF LAC STAFF

- A. Director of Cable Services *is responsible for:*
1. Oversees cable franchise
  2. Manages facility
  3. Supervises staff.
  4. Does budgeting and purchasing
  5. Teaches orientation class
  6. Develops/revises policies as necessary
  7. Advises Town Manager and Town Council regarding PEG access and cable television issues
- B. Assistant Director – Public Information Coordinator *is responsible for:*
1. Performs all duties in absence of Director
  2. Involved in technology and equipment upgrades
  3. Performs or oversees all equipment repairs
  4. Solicits relevant programming
  5. Schedules programming for public and government access
- C. Training Coordinator *is responsible for:*
1. Scheduling and providing all training
  2. Maintaining calendar
  3. All duties in absence of Assistant Director
  4. Supervising interns
  5. Managing special events such as
    - A) Open House
    - B) Non-profits Night
    - C) Media Camps

**CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

**SECTION IX EQUAL OPPORTUNITY**

- A. The LAC is NOT required to offer equal TIME on its public channels. Public access IS required to offer equal opportunity on a first come, first serve non-discriminatory basis. Any community member willing to be trained can produce programming. Those not wishing to be trained can sponsor programming that is within the guidelines of these policies and conforms to the Cable Act of 1984, or any federal, state or local ordinances.

**SECTION IX EQUAL OPPORTUNITY (Cont'd)**

- B. ~~ETV 51 also strives to offer equal opportunity on a first come, first serve basis but is not obligated to do so. The District does not discriminate in providing access but does maintain the right to regulate program content (School Board Policy) and to exercise administrative prerogative in determining priorities of access to channel.~~

**C. SECTION X STATEMENTS OF COMPLIANCE**

- A. LAC producers/sponsors should be specifically aware of the following public access policies as they will be required to sign a Statement of Compliance for every production and/or program series stating that they will adhere to these policies prohibiting:
  1. Advertising of commercial products and/or services
  2. Obscene and/or indecent material (see NH State RSAs)
  3. Material which constitutes libel, slander or invasion of privacy
  4. Use of publicity rights, trademark and/or copyright which violates local, state or federal law.



## CHAPTER XXIV - CABLE TELEVISION (Cont'd)

### SECTION X STATEMENTS OF COMPLIANCE (Cont'd)

- B. ~~ETV 51—ETV 52 producers must observe existing policies and regulations established by the Londonderry School Board and administration. In addition, they will be required to sign a Statement of Compliance for every production/program stating that they will adhere to these policies prohibiting:~~
- ~~1. Advertising material designed to promote the sale of commercial products or services, or material which identifies any product service, trademark or brand name in a manner which is not reasonably related to the non commercial use of such a product, service, trademark or brand name on the program.~~
  - ~~2. Commercial programming which in whole or in part depicts, demonstrates or discusses products, services or businesses with the intent or substantial effect of benefitting or enhancing a profit making enterprise~~
  - ~~3. The direct solicitation of, or appeals for, funds or other things of value for any and all purposes.~~
  - ~~4. Political endorsements or advertising by or on behalf of candidates for public office.~~
  - ~~5. Material which is obscene.~~
  - ~~6. Any programming which constitutes or promotes any lottery or gambling enterprise which is in violation of any local laws.~~
  - ~~7. Material which constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright, or which may violate any local, state or federal law.~~
  - ~~8. Material which has a reasonable probability of creating an immediate danger or damage to property or injury to persons, or of creating a public nuisance~~
  - ~~9. Material which has a reasonable probability of causing the substantial obstruction of law enforcement or other governmental functions or services.~~

- C. GOVERNMENT ACCESS - Coverage of government access meetings is gavel to gavel and requires no producer, therefore a statement of compliance is not necessary.

## **SECTION XI FUNDING AND GRANTS**

A. The LAC is funded through franchise fees ~~from Harron Cablevision of NH. Financial resources are too limited to allow full funding of every program. Therefore, only equipment or sets that have multiple applications for other users will be considered for funding by the CABL.~~

1. ~~CTV-20:~~ Producers who wish to seek funding from other sources may do so under the following guidelines:
  - a. Funds can be solicited for sets, props, costumes, equipment, travel expenses, meals or special services.
  - b. Funds cannot be used to pay volunteers for their labor.
  - c. Goods or services can be sought in lieu of monetary assistance.
  - d. Credit will be given at the end of the program. For example: "The preceding program was brought to you in part by a grant from..."
  - e. This statement may be displayed over an organizational logo if one is provided. It is appropriate to include the location of the organization if that is imperative to their identification (Shaws, Derry), telephone numbers are not allowed but websites are
  - f. Producers should consult with ~~CTV-20~~ public access staff prior to seeking alternative funding.
2. ~~ETV-51: Additional funding and grants may be pursued as per School Board Policies.~~
3. ~~GOV-52: Grants, or additional funding will be pursued with the assistance of the Harron Program Director as directed by CABL.~~

## **CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

### **SECTION XII SPONSORSHIP OF PUBLIC ACCESS PROGRAMMING**

- A. Locally sponsored programs are those which were produced outside of the LAC but are cable cast at the request of community members
- B. Any community member may sponsor a program and/or series for cable cast at any one time. Completed sponsorship forms will be kept on file at the LAC
- C. Sponsored programs must adhere to the same guidelines that locally produced programs follow and a Statement of Compliance must be signed by the sponsor(s). Sponsorship is good for one playback schedule.
- D. Videos owned by the user must be picked up within two (2) weeks of the last cable cast. After two weeks, the LAC assumes no responsibility for the videos.

### **SECTION XIII PROFIT**

- A. The LAC and/or equipment cannot be used with the intent of financial gain or material profit

### **SECTION XIV COPYRIGHT**

- A. Public Access - The producer of a public access program shall hold the copyright and this information will be noted at the end of every program. In the case of a collaborative effort on a community event where the LAC staff functions as the producer, LAC will hold the copyright.
- B. ~~ETV 52—The Londonderry School district will own or may share copyright for any program(s) produced for ETV 51. The District will share copyright in those instances where a producer other than the District has generated the program concept (excepting the Harron Program Director).~~

## **CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

## SECTION XII SPONSORSHIP OF PUBLIC ACCESS PROGRAMMING

- C. *Government Access* 52 - Gavel-to-gavel coverage of public meetings is in the public domain and may not be copyrighted.

## SECTION XV PRODUCERS INFORMATION

*The Director shall establish and make available regulations regarding Producers' Information*

### A. ~~Public Access~~

1. ~~The raw footage accumulated for a program belongs to the producer and will be retained for his/her use until the final edited program has been cable cast once, at which time the raw footage will be re-cycled.~~

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2. ~~The edited program will be cable cast at least once. The producer may limit additional playback or leave it to the discretion of the studio coordinator.~~
3. ~~All producers are entitled to make one copy of their program.~~
4. ~~A program will not be distributed in any way without the permission of the producer.~~
5. ~~With the written permission of the producer (see addendum Statement of Compliance), public access may keep clips of raw footage tape that are generic or of historical significance.~~
6. ~~The edited program will be retained in the playback files as long as it is deemed timely. The Assistant Director will then determine whether the program should be archived or re-cycled. As a courtesy the producers will be given two (2) weeks notice prior to the recycling of their edited master.~~

**CHAPTER XXIV -- CABLE TELEVISION (Cont'd)**

**SECTION XV -- PRODUCERS INFORMATION (Cont'd)**

- ~~7. The LAC may use clips from a producer's program for the purpose of promoting the LAC.~~
- ~~8. Raw footage shall be considered abandoned if the producer does not use it within six months except that a producer may ask for and receive an extension of three months. If the LAC staff is unable to make arrangements to have the original producer finish the program, the footage may then be turned over to another producer for completion of the intended program or any other use.~~

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**B. ETV-51**

- ~~1. Producers must consult with a School District's Administrative Advisory Board member and/or the Director of Library Media Services for program approval before production can begin.~~
- ~~2. The raw footage accumulated for a program belongs to ETV 51 but will be retained at the PEG access facility/High School Library Media Center for editing purposes until the edited master is complete at which time the raw footage will be recycled. With permission from the Director of Library Media Services, raw footage may be brought home for logging/viewing purposes.~~
- ~~3. The School District retains the right to determine the cable cast schedule and procedure for all ETV-51 productions. The Director of Library Media Services shall consult with the Harron Program Director in determining playback schedule. Producers may request (in writing) specific playback times and an effort will be made to accommodate such requests. A production will~~

~~be cable cast at least once and more if determined to be appropriate.~~

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~~4. The School District will determine when/if programs will be copied, shared with other cable systems, bicycled, or entered in a contest. In the case of shared copyrights, the co-producer's permission will be obtained in writing~~

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~~5. No clip showing individuals (students or others) can be used out of its original context without the consent of the School District and written permission of the parent/guardian if appropriate.~~

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~~6. The School District has the right to exercise the option of erasing an obsolete or unusable program. The School district will provide a courtesy notice of two weeks in advance of tape erasure at which time the producer may opt to make arrangements to purchase a blank video cassette and dub the material in question. Arrangements for duplication on all other formats may be made by the producers at their own cost.~~

~~7. The School District will determine who long raw footage is retained before another editor is assigned to a project or footage is recycled.~~

## **CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

### **SECTION XV PRODUCERS INFORMATION (Cont'd)**

~~B. ETV-51 (Cont'd)~~

~~8. In addition to the above, there may be instances in which administrative prerogative is exercised.~~

~~C. *Government Access* 52 Gavel to Gavel coverage is in the public domain and does not require a producer.~~

## CHAPTER XXIV - CABLE TELEVISION (Cont'd)

### SECTION XVI PUBLIC SERVICE ANNOUNCEMENTS (PSAs)

- A. Public Access - Community groups and organizations are encouraged to produce video public service announcements for cable cast on public access. PSAs can be for specific events or to inform the community of a group's existence and purpose, or to share a specific bit of information. All PSAs produced must be video. PSAs cannot be used for the direct solicitation of, or appeals for, funds or other things of value for any and all purposes.
- B. ~~ETV 51~~ PSAs for cable cast on ~~ETV 51~~ will be subject to approval by the ~~ETV 51 Advisory Board~~, but in general, must be educational in nature. PSAs cannot be used to solicit funds for any reason (~~Section XX~~ Statement of Compliance) and must be in video format.
- C. *Government Access* 52 - Gavel-to-gavel coverage does not incorporate the use of PSAs.

### SECTION XVII SCHEDULING

- A. Public Access
  - 1. When determining the playback schedule for public access, the staff will prioritize in the following manner:
    - a. first-run locally produced programs.
    - b. requested repeats of locally produced programs.
    - c. locally sponsored programs, single.
    - d. locally sponsored programs, series.

## CHAPTER XXIV - CABLE TELEVISION (Cont'd)

### SECTION XVII SCHEDULING (Cont'd)

- A. Public Access (Cont'd)
  - 2. If, after scheduling programs in the above categories, there is sufficient playback time available, the staff may utilize the following types of programming:
    - a. Programs bicycled to the LAC through arrangements with other access centers.
    - b. solicited programs from free loan sources.
    - c. unsolicited programs.
  - 3. Live programming can pre-empt the playback schedule but must be scheduled in advance. Notice can be waived by the Cable Director under special circumstances.
- B. ~~ETV 51—All scheduling for ETV 51 is done at the discretion of school district officials in consultation with the Harron Program Director.~~
- C. ~~52 Government Access- All scheduling for 52 government channels is done according to the coverage priority. If both channels are being used, the meeting will be recorded for playback. Town Manager and carried out by the Harron Program Director.~~

### SECTION XVIII STANDARD FORMAT FOR PROGRAMS

- A. *The Director shall establish and make available regulations regarding program formatting.*
  - 1. ~~credits must include the following information:~~
    - ~~a. The preceding program was made possible by the LAC, the production facility for the Town of Londonderry, 281 Mammoth Road, Londonderry, NH, [www.LACTV.com](http://www.LACTV.com), 603-432-1147. Call for more information and learn how to make your own TV program. a cooperative~~



~~effort of the Town of Londonderry, The Londonderry School District and Harron Cablevision of NH.~~

~~b. All sponsors~~

~~c. Crew List~~

~~d. copyright, name of copyright holder and the year.~~

~~A. Public Access (Cont'd)~~

~~4. Whenever applicable, the following information must be included in the credits if locally produced or immediately following the credits if locally sponsored:~~

~~The opinions expressed in this program are not necessarily those of the producer, the public access channel, the Town of Londonderry, the Londonderry School District or Harron Cablevision of NH.~~

~~Music credit~~

~~5. The videos and cases must be labeled with the title of the program, the producer's name, the date, and the total running time (TRT). Any special instructions or information must also be put on the label and/or the Statement of Compliance.~~

~~B. ETV 51 Standard SMPTE Leader format will be used for all ETV 51 programs:~~

~~1. Ten seconds of black at the beginning of every tape~~

~~2. Twenty seconds bars/tone at 0 VU meter~~

~~3. Ten seconds black with ID slate~~

~~4. Count of 10 to 3 to black for two seconds~~

~~5. Credits must include the following information.~~

~~a. The preceding program was made possible through ETV 51 a cooperative effort of the Town of Londonderry, the Londonderry School District and Harron Cablevision of NH~~

~~b. Copyright, name of copyright holder and the year.~~

~~B. *Government Access* 52 Standard format concerns do not~~

apply to gavel to gavel coverage

## CHAPTER XXIV - CABLE TELEVISION (Cont'd)

### SECTION XIX PEG ACCESS VOLUNTEERS UNDER AGE 18/OR STUDENTS

- A. *Volunteers under the age of 18 are encourage to become volunteers under regulations and guidelines as established by the Director.* ~~Public Access—Youths under age eighteen (18) are encouraged to become volunteers at the LAC. They are subject to the same rights, privileges and requirements as previously set forth for every community member with one exception. As they cannot be held to an otherwise legally binding document because of their age, they shall be required to have a qualified volunteer or qualified staff member as an advisor whenever they use the facility or equipment. The advisor and the minor's parents/guardian will be required to sign the appropriate agreements and accept responsibility as they would if it were their own project.~~
- B. ~~ETV 51—Students involved with ETV 51 shall be subject to the same rights, privileges and requirements as previously set forth for every community member. The one exception is that financial responsibility for the replacement of materials or equipment, or repair of equipment which results from the use, either authorized or unauthorized, misuse or damage by a student shall belong to the student's parent/guardian or to the adult student.~~
- C. ~~*Government Access 52*—Youths under age eighteen (18) are encouraged to become volunteers for *the government access channels* 52. As *government access channel* 52 volunteers, they are subject to the same rights, privileges and requirements as previously set forth for every community member with one exception. As they cannot be held to an otherwise legally binding document because of their age, they shall be required to have a qualified volunteer or qualified staff member as an advisor whenever they use the facility or equipment. The~~

~~advisor and the minor's parent/guardian will be required to sign~~  
**CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

**SECTION XIX PEG ACCESS VOLUNTEERS UNDER AGE 18/OR STUDENTS (con't.)**

~~the appropriate agreements and accept responsibility as they would if it were their own project.~~

**SECTION XX VIOLATION OF POLICIES (OR RULES)**

A. Adherence to these policies and their attendant rules is mandatory. The smooth operation of the PEG access facility ensures that the facility is available to as many community members as possible. ~~Therefore the CABL has included a schedule of violations and their consequences as an addendum to these policies and has authorized the studio coordinator and Harron Program Director to enforce them. In the case of ETV-51, the studio coordinator and Harron Program Director are expected to consult with the appropriate school personnel prior to taking any action.~~

**SECTION XXI DOCUMENTS SUBSCRIBED TO**

A The following documents are included as part of the Londonderry PEG Access Operating Policies and Procedures and are *available from the Director.* ~~attached in addendum:~~

1. Educational channel regulations
2. Equipment checkout agreement
3. Governmental channel policy
4. NHRSA 649 (Child Pornography) and NHRSA 650 (Obscene Matter)
5. Schedule of violations
6. Series sponsors form
7. Sponsorship form
8. Statement of compliance form
9. Talent release form

**CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

## SECTION XXII RESOLUTION OF DISPUTE

### A. Public and government access and LAC

1. The Director of Cable Services is responsible for assuring that all public access volunteers/sponsors adhere to these policies.
  - a. A complaint must be submitted in writing to the Director of Cable Services within thirty (30) days after a dispute arises, with a decision passed down within two (2) weeks after submission in writing.
  - b. Should a dispute arise that cannot be resolved at that level, the next recourse for volunteers/sponsors is the Town Manager.
2. If the complainant finds the Director's decision unsatisfactory, he/she may appeal to the Town Manager.

### B. ETV-51

- ~~1. The Harron Program Director (in consultation with the Director of Library Media Services and the ETV-51 Advisory Group) is responsible for assuring that all ETV-51 volunteers adhere to these policies:~~
    - ~~a. Any dispute should be submitted in writing to the Harron Program Director within thirty (30) days after a dispute arises, with a decision passed down within two (2) weeks after submission in writing.~~
    - ~~b. If said dispute cannot be resolved at that level (by the Harron Program Director), the next recourse for volunteers is a written appeal to the ETV-51 Advisory Group.~~
- 
- ~~c. If the dispute remains unresolved, written appeal to the Superintendent of Schools is in order.~~

## CHAPTER XXIV - CABLE TELEVISION (Cont'd)

### SECTION XXIII PROCESS TO AMEND POLICIES

E. These policies will be reviewed at least once annually. Any proposed changes will be submitted to the *Director of Cable Services* ~~Harron Program Director, the Londonderry School District Director of Library Media Services, ETV 51 Administrative Advisory Board, GOV 52 Advisory Committee, and the Studio Coordinator~~ for their input, prior to the submission of the proposed amendments to CABL.

---

~~F. To be adopted an amendment requires a two thirds (2/3) vote majority of the CABL~~

G. The Town Council shall have final approval.

### SECTION XXIV CAVEAT

A. If there are any items in these policies that are now, or in the future, found to be in conflict with local, state or federal regulations, the wording in these policies will be considered subordinate.

~~(Approved by CABL November 26, 1990)~~

## CHAPTER XXIV - CABLE TELEVISION(Cont'd)

### SECTION XXV GLOSSARY OF TERMS

**Access Channel** ~~ETV-51~~ 52 The channel space provided to the Town in the cable franchise agreement for carrying PEG.

*Addendum* *References in this Chapter to documents in the "Addendum", which includes such documents as the Statement of Compliance, Conduct Involving Commercial Products/Services, Compensation for Use of Facilities, Production Rates, Public Access Use Policy, Equipment Check-out Agreement, Talent Release Form, Election Campaign Videos Policy, and Complaint Regarding Objectionable Programming shall be maintained and made available by the Director of Cable Services.*

~~**Administration**~~

~~**Advisory Board** School Administrators designated by the Superintendent of Schools to recommend ETV-51 access policy and formulate regulations~~

**Archive** Video clips or programs selectively collected and classified for preservation and/or re-use.

**Automated Play-Back System** A device used to perform pre-determined distribution of programs in sequential order over the public access system.

**Bicycled** The manner in which video programs are routed to other public access systems

**Cable Act of 1984** Federal legislation governing the industry; PL 98-934

**Cable Cast** Television signal to carry the visual, aural and digital information

**Certification** The process of training/testing/ certifying developed to ensure a standard level of competence has been attained

in designated production areas.

**Clips** Abbreviated portions or sections of filmed or video materials.

**Community Members** Any person who resides in Londonderry, an organization that serves Londonderry and non-commercial business use. Residents of Londonderry and employees of the Town or School District

**Complainant** The person initiating a complaint in an action or proceeding involving PEG access or the LAC.

**Copyright** The exclusive, legal right to reproduce, publish and sell the matter and form of a video production.

**Edited Program** The master recording of a finished production which has been sequenced and electronically sweetened with music, graphics and the like

**Editorial Comment** Expression of opinion conveyed verbally or through the manipulation of the video or audio portion of the program.

**Equal Opportunity** Non-discriminatory provision of access to facilities and equipment.

**Equipment** Parts of the production system that process information but do not store it; (ie: cameras, video recorders, monitors, editor engineering and production racks, etc.)

**CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

**SECTION XXV GLOSSARY OF TERMS (Cont'd) .**

**Franchise Agreement**

The agreement between the town government and the cable provider granting the company the right to construct and operate a local cable system in exchange for pre-determined considerations for the town.

**Generic**

Video clips or programs related to or characteristic of general areas of interest.

**Historical Significance**

Video clips or programs deemed to be of value for the archives.

**Locally**

Within the transmission capabilities of public access.

**Locally Produced Programs** produced by community member(s).

**Locally Sponsored Programs**

Non-locally produced programs sponsored by community member(s).

**Londonderry Organizations**

Any non-profit organization based in Londonderry or providing services to Londonderry.

**PEG Access Channel**

A cable channel on a home subscriber system (including educational and government channels) reserved for programming produced or coordinated by community members.

**CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

**SECTION XXV GLOSSARY OF TERMS (Cont'd)**

**PEG Facilities**

The studio, control room and office area



located at 281 Mammoth Road, commonly referred to as the LAC.

**Playback**

The process of cable casting a television program for reception by home subscribers.

**Public Service**

A short (usually no more than 60 to 90 seconds) informative piece

**Announcement(PSA)**

designed to provide facts of interest to the public.

**Qualified LAC**

A community member who has received appropriate training from

**Volunteer**

LAC staff in designated areas of production

**Raw Footage**

Non-edited video and the material contained in that video.

**Recycled**

The re-use of various video formats.

**Series**

Programs which share a commonality; all deal with the same topic, or the same producer, or they are produced under the same title, or more than one program sponsored by the same person.

**SMPTE**

Society of Motion Picture and Television Engineers

**Sponsorship**

Assumption of responsibility for a non-locally produced program by a community member(s).

**CHAPTER XXIV - CABLE TELEVISION (Cont'd)**

**SECTION XXV GLOSSARY OF TERMS (Cont'd)**

**Statement of  
Compliance**

Agreement signed by all  
producers/sponsors to attest that they will abide by  
LAC policies, rules and procedures as they relate  
to the operation and governance of the facilities  
and channels.

**Timely**

Determination as to playback  
potential based on the continuing usefulness of the  
program.

*~~End of Chapter~~*

**CHAPTER II - TRAFFIC SAFETY COMMITTEE**

**SECTION I MEMBERSHIP**

A. There shall be a Traffic Safety Committee consisting of the following seven (7) members:

1. Chief of Police
2. Town Manager
3. Public Works Director
4. Superintendent of Schools (or designee)
5. Member of the Town Council
6. **Fire Chief**

~~6.7. Two One Members of the Public - One from business community, and one member at large.~~

**SECTION II PURPOSE**

A. The Traffic Safety Committee shall study **traffic safety issues**, plan **and present traffic ordinances for the Town Council's consideration**, and issue an annual report to the Town Council.

**SECTION III RULES AND REGULATIONS**

A. The Traffic Safety Committee shall adopt such rules and regulations for the exercise of their functions granted herein and shall submit these rules and regulations to the Town Council for approval prior to adoption.

B. The Traffic Safety Committee shall adhere to the U.S. Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) and the New Hampshire Department of Transportation publication "*Traffic Control Standards, Statutes, & Policies*" as amended from time to time and as adopted by Town Meeting, 1994.

C. Requests and Notifications

1. Members of the Committee may bring any issues of safety that they may deem necessary by requesting that the Chairman place the item on the agenda of any Traffic Safety Committee meeting.

**CHAPTER II - TRAFFIC SAFETY COMMITTEE (Cont'd)**

**SECTION III RULES AND REGULATIONS (Cont'd)**

C. Requests and Notifications (Cont'd)

2. Employees of the Town of Londonderry have a responsibility to report hazardous traffic conditions they may observe. Emergency conditions should be reported immediately to the Police Department Communications Center.

3. Members of the public who wish to bring a traffic safety issue before the Committee or who desire to appear before the traffic Safety Committee should be advised to contact by letter or to call the Chief of Police, or the Chairman of the Committee. Letters should include a description of the traffic safety hazard or condition to be addressed, any recommendations or solutions to the issue, and any other pertinent information the person feels important to include.

**SECTION IV PROCEDURES**

A. Upon receipt of a written request, the ~~Chairman~~ **Committee** shall determine whether a Traffic Survey is required. Should the Committee ~~Chairman~~ decide a Traffic Survey is needed, it will then be decided by the ~~Chairman~~ **Committee** which of the following surveys will be completed and shall request that the Chief of Police or his/her designee complete the same:

1. Speed and traffic counts with equipment provided by the State of New Hampshire and/or the Southern New Hampshire Planning Commission.

2. Speed and traffic counts by Police Department personnel using available speed detecting equipment

3. Review of traffic accident data where and when available

4. Area, road and site inspection by a member of the Police Department, member of the Public Works Departments, and/or a member of the Fire Department where fire lanes are being considered.

**CHAPTER II - TRAFFIC SAFETY COMMITTEE (Cont'd)**

**SECTION IV PROCEDURES (Cont'd)**

B. Committee Agenda Scheduling

1. After receipt of a request and other pertinent information, surveys, or research regarding an issue, the Chairman shall contact the originator and schedule the issue for **the next scheduled Committee meeting** ~~an agreeable time and date.~~

2. Any issue brought before the Committee shall be considered during ~~an open~~ **a regular or special Committee** meeting and involve a review of any pertinent statutes or ordinances; appropriate Federal and State Traffic and/or Safety standards, and a review of traffic surveys, departmental input or other data presented.

3. **The Committee shall at all times operate in compliance with RSA 91-A, the Right-to-Know Law.**

C. Follow Up

1. The Chairman will inform the requestor or originator of the review of an issue of any decisions reached by the Committee or action or information resulting from the request. Such notification shall be in writing and in a timely manner.

2. ~~Should the decision of the Committee be that a revision to the Traffic Safety Code is required, proper care shall be taken to adhere to the provisions of the Charter Section 7 for requesting same.~~

## CHAPTER VI - STOPPING, STANDING AND PARKING

### SECTION I PLACES PROHIBITED

A. It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police officer or other emergency official, or traffic control sign or signal:

1. Within an intersection
  2. On a crosswalk
  3. Between a Safety Zone and the adjacent curb or within twenty feet (20') of points of the curb immediately opposite the ends of the Safety Zone unless indicated otherwise by signs or markings
  4. Within twenty feet (20') from the intersections of curb lines, or if none, within fifteen feet (15') of the intersection of property lines at an intersection, except at alleys.
  5. Within twenty feet (20') upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of the roadway.
6. Within six feet (6') of a fire hydrant
7. In front of a private driveway
8. On a sidewalk
  9. Alongside or opposite to any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
  10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  11. At any place where official traffic signs have been erected, prohibiting standing or parking
  12. Within thirty feet (30') of the nearest rail of a railway crossing.
  13. In any parking place, whether on public or private property, specifically designated for the physically handicapped by means of a sign stating that the space is reserved for the physically handicapped or displaying the wheelchair symbol as defined in RSA 275-C:9, I (a), unless that person has a special number ~~plate~~ **plate**, number plate decal, tag or card issued pursuant to RSA ~~260:17, 18 or 18-a~~, **261:88** which is prominently displayed on or in the vehicle.
  14. In any place, on public property, specifically designated for their patrons or employees and which is so designated by signs identifying time and day(s) of enforcement, inclusive of the Town Library except while visiting the Library, *the Cable Access Studio except while visiting the*

*facility, the School Superintendent's office except while conducting business with that office or the Police Department while conducting Police Business.*

## **CHAPTER VI - STOPPING, STANDING AND PARKING**

### **SECTION I PLACES PROHIBITED (Cont'd)**

**B. It shall be unlawful for any driver to stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic.**

**C. Any driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations, traffic signs or signals, a Police Officer or other emergency official.**

**D. The operator of any vehicle, other than one on official business related to a fire call, shall not follow, drive, or park, within five hundred feet (500') of any fire apparatus traveling, or which has stopped, in response to a fire alarm.**

### **SECTION II LOADING/UNLOADING AREAS**

**A. The Traffic Safety Committee shall have authority to determine the location of Passenger Zones and Loading Zones and shall erect and maintain, or cause to be maintained, appropriate signs indicating same.**

**B. It shall be unlawful for the driver of a vehicle to stop, stand or park the vehicle for a period of time longer than is necessary for the expeditious loading/unloading of passengers in any place marked as a Passenger Zone.**

**C. It shall be unlawful for the driver of a vehicle to stop, stand or park the vehicle for a period of time longer than is necessary for the expeditious loading/unloading, delivery and/or pickup of materials in any place marked as a Loading Zone. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.**

### **SECTION III BUS STOPS, TAXICAB STANDS, AND NO PARKING AREAS**

**A. The Traffic Safety Committee is authorized and required to establish bus stops, taxicab stands and no parking areas on such public streets and in such places and in such manner as it shall determine to be of the greatest benefit and convenience to the public and shall so designate such areas by appropriate signs.**



**CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)**

**SECTION III BUS STOPS, TAXICAB STANDS, AND NO PARKING AREAS (Cont'd)**

**A. Authorized....(Cont'd)**

**1. No Parking Areas (Cont'd)**

a bus to stand or park in an officially designated bus stop, or for the driver of any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, or for the driver of any vehicle to stand or park in any officially designated no parking area, except that the driver of any passenger vehicle may temporarily stop in any such area, stand, or no parking area for the purpose of, and while actually engaged in, the loading or unloading of passengers.

**2. Designated Stands for Buses, Taxicabs - It shall be unlawful for the driver of any bus or taxicab to stand or park upon any street in any business district at any place other than that designated as a bus stop or taxicab stand, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.**

**3. It shall be unlawful for the driver of a bus, public conveyance or other vehicle to drive over or through a safety zone as defined this Chapter at any time.**

**4. It shall be unlawful for any person to board or alight from any bus, public conveyance or other vehicle while such vehicle is in motion.**

**SECTION IV PARKING AT CURBS, IN STALLS**

**A. Except when necessary, in obedience to traffic regulations or traffic signs or signals, the driver of a vehicle shall not stop, stand or park such vehicle:**

**1. In a roadway other than parallel with the edge of the roadway, headed in the direction of traffic and with the curbside wheels of the vehicle within eighteen inches (18") of the edge of the roadway, or**

**2. In a parking district where stall parking has**

**been established in a manner such that the vehicle will occupy more than one stall, unless the vehicle is of such length as to require an additional stall or stalls.**

## **CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)**

### **SECTION IV PARKING AT CURBS, IN STALLS (Cont'd)**

**B. Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs and in such a manner whereby they will not occupy more than one stall.**

**C. In places where and at hours when stopping for the loading/unloading of merchandise or materials is permitted, vehicles used for the transportation of same may, when it is absolutely necessary, back into the curb to take on or discharge loads provided the owner of such vehicle holds a specific permit granting such privilege. Such permit shall be either in the possession of the driver or on the vehicle. It shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit.**

### **SECTION V ALL NIGHT PARKING**

**A. Parking of vehicles throughout the night on any street or highway is prohibited.**

### **SECTION VI PARKING VEHICLE FOR SALE**

**A. It shall be unlawful for any person to park upon a street any vehicle displayed for sale.**

### **SECTION VII NO PARKING**

**A. It shall be unlawful for the driver of any vehicle to stop, stand or park on the most southerly portion of Buttrick Road from the intersection with Rote 102 northerly to the northerly boundary of Tax Map 6, Lot 33-a, at the New Hampshire Highway Department concrete bound. (Art. 21, TM 1993)**

**B. Any vehicle parked in a "NO PARKING" zone which is clearly indicated by legally posted signs indicating that parking is prohibited within the area will be declared to be an obstruction to traffic and a public nuisance.**

### **SECTION VIII USE OF VEHICLES FOR DISPLAY ADVERTISEMENT**

**A. It shall be unlawful for any person to operate or to park on any**

**street such vehicle for the primary purpose of displaying advertising except by permit from the Chief of Police issued to said person and in accordance with the rules and regulations adopted by the Traffic Safety Committee.**

## **CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)**

### **SECTION IX LIGHTS ON PARKED VEHICLES**

**A. Whenever a vehicle is parked or stopped on a street during the time between one half hour after sunset, and one half hour before sunrise, or at any other time when there is not sufficient light to render clearly discernable any vehicle upon the street from a distance of two hundred feet (200'), there shall be displayed upon such vehicle one or more lamps:**

**1. One of which shall be on the roadway side and project a light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, and**

**2. One of which lamps shall project a red light visible under like conditions from a distance of five hundred feet (500') to the rear.**

**3. Such parking lights need not be displayed upon any vehicle stopped or parked in accordance with other provisions of this Code upon any street so designated by the Traffic Safety Committee where there is sufficient light to reveal any person within a distance of two hundred feet (200').**

### **SECTION X PENALTIES**

**A. Each owner or operator of a vehicle who violates the provisions of this Chapter may, within seven calendar days of the time when such notice was attached to such vehicle, pay to the person in charge and on duty at Police Headquarters, as a penalty for and in full satisfaction of such violation, the following sums:**

**1. Fifty dollars (\$50) - Unauthorized parking in a parking space designated for the handicapped when free standing signs are posted**

**2. Thirty dollars (\$30) - Unauthorized parking in space designated as a fire zone or fire lane when free standing signs are posted.**

**3. Twenty five dollars (\$25) - All other parking violations (except for violations of the Snow removal provisions hereinafter propounded)**

**CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)**

**SECTION X PENALTIES (Cont'd)**

**B. The failure of such owner or operator to make such payment within the seven day period shall render such owner or operator subject to the penalties hereinafter provided for violation of the general provisions of this Chapter.**

**C. Other Violations - any person who shall violate any of the provisions of this Chapter and who shall fail to report within seventy two hours and pay the penalty prescribed herein, or shall violate any other provisions of this Chapter, shall, upon conviction thereof, be subject to a fine of not less than twenty five dollars (\$25) and not more than one hundred dollars (\$100).**

**SECTION XI PRESUMED OWNERSHIP**

**A. If any vehicle is found upon a street, highway, parking lot or other way as defined under RSA 259:125 II, in violation of any provision of this Chapter, and the driver is not immediately ascertainable, the person in whose name such vehicle is registered is presumed to be the driver. This presumption is rebuttable upon the production of sufficient evidence to warrant a finding that the presumed fact does not exist.**

**SECTION XII TOWING AND STORAGE CHARGES**

**A. The owner of a motor vehicle impounded hereunder shall be responsible for towing and storage charges.**

**SECTION XIII IMPOUNDMENT OF VEHICLES**

**A. Members of the Police Department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety:**

**1. Any vehicle left unattended upon any bridge where such vehicle constitutes an obstruction to traffic.**

**2. Any vehicle upon a highway so disabled as to constitute an obstruction to traffic and the person in charge of such vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or**

**removal.**

## **CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)**

### **SECTION XII IMPOUNDMENT OF VEHICLES (Cont'd)**

#### **A. Members of the Police Department... (Cont'd)**

**3. Any vehicle left unattended upon a street and parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic**

**4. Any vehicle left unattended during snow removal or is impeding the snow removal operations, or is parked overnight in violation of this Chapter.**

**5. Any vehicle left unattended in such a manner as to obstruct the ingress or egress of a driveway or entryway to a public or private building, parking lot or garage, or when such vehicle is parked in a "NO PARKING" zone which is clearly indicated by legally posted signs indicating that parking is prohibited within the area. Any vehicle so left unattended or so parked is hereby declared to be an obstruction to traffic and a public nuisance.**

### **SECTION XIV NOTICE TO OWNER**

**A. Whenever an officer removes a vehicle from a street as authorized in this Chapter and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall attempt to give or cause to be given notice in writing to such owner of the fact of such removal, the reasons therefor, and the place to which such vehicle has been removed.**

**B. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage. Such notice shall include a complete description of the vehicle, the date, time and place from which it was removed, and the reasons for such removal.**



**CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)**

**SECTION XV NOTICE TO STATE**

**A. Whenever an officer removes a vehicle from a street and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as herein provided, and in the event the vehicle is not returned to the owner within a period of three days, then the officer shall:**

**1. Immediately send or cause to be sent by mail a written report of such removal to the State Department of Motor Vehicles, Registration Division, and**

**2. File a copy of such notice with the proprietor of any public garage in which the vehicle may be stored.**

**B. Such notice shall include a complete description of the vehicle, the date, time and place from which it was removed, and the reasons for such removal and the name of the garage where the vehicle is stored.**

## **CHAPTER X - MISCELLANEOUS PROVISIONS**

### **SECTION I OBSTRUCTION OF VIEW**

**A. It shall be unlawful for the driver of any vehicle to drive same when such is so loaded, or when there are in the front seat of said vehicle such number of persons, as to obstruct the view of the driver to the front or sides, or to interfere with the operator's control over the driving mechanisms of the vehicle.**

**B. It shall be unlawful for any passenger in any vehicle to ride in such position as to interfere with the driver's view ahead or on the sides, or to interfere with the driver's control over the driving mechanisms of the vehicle.**

### **SECTION II UNLAWFUL RIDING/CLINGING TO VEHICLES**

**A. It shall be unlawful for any person to ride on any portion or part thereof of any vehicle which was not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty or person riding within truck bodies in space intended for merchandise.**

**B. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle upon any roadway.**

**C. It shall be unlawful for the operator of any bicycle or motorcycle, when upon the street, to carry any other person upon the handle bar, frame or tank of any vehicle, or for any person to so ride upon any such vehicle.**

**D. It shall be unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device, to go upon any roadway except while crossing a street or crosswalk.**

**E. It shall be unlawful for any person upon roller skates, skateboard, coaster, toy vehicle or other similar device to go upon any parking area suitably posted to prohibit such activity.**

**CHAPTER X - MISCELLANEOUS PROVISIONS (Cont'd)**

**SECTION IV THRU TRAFFIC**

- A. Except for public safety and highway maintenance vehicles, there shall be no through traffic permitted on the most southerly portion of Buttrick Road from the intersection with Route 102 northerly to the northerly boundary of Tax Map 6, Lot 33-A, at the New Hampshire Highway Department concrete bound.**
  
- B. *Except for public safety and highway maintenance vehicles, there shall be no through traffic permitted on the section of Mammoth Road, both north and south, of the Page Road Intersection.***

**SECTION V NOISE**

- A. Except for public safety and highway maintenance vehicles, there shall be no operation of trash pick up vehicles between the hours of 11:00 PM and 6:00 AM in that portion of any commercially or industrially zoned district which immediately abuts a residential area.**
  
- B. No person shall operate any off road vehicle, motorcycle, dirt bike, lawnmower, or other similar vehicle or device in any residential area between the hours of 10:00 PM and ~~10:00 AM.~~ **7:30 A.M.****

## CHAPTER III - FIRE PREVENTION

Language added appears in ***bold italics*** Language deleted appears ~~struck through~~

### SECTION I

### FIRE AND BUILDING CODES ~~CODES~~ ***LIFE SAFETY CODES***

- A. ~~Adoption of Codes—The Town has voted to adopt the following Codes of the Building Officials Code (BOCA), Administrators' International and National Fire Protection Association (NFPA), with certain changes and additions as noted:~~ ***The provisions of the New Hampshire State Fire Code Saf-C 6000 (NFPA 1) shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.***
- B. ***The provisions of the New Hampshire State Fire Code Saf-C 6000 (NFPA 1) and the referenced codes and standards therein are hereby adopted as part of this Chapter, as allowed under the provisions of RSA 153:14, except where amended or modified herein.***
1. ~~BOCA Building Code, 1990 edition, as adopted by the Town of Londonderry.~~
  2. ~~BOCA Fire Prevention Code, 1990 edition, with the following changes:~~
    - a. ~~Delete Section F-111.3 and insert in its place the following:~~
    - b. ~~Delete Section F-112.2 and insert in its place the following:~~
  3. ~~Delete Section 112.2.6 and insert in its place the following:~~

~~"Compensation, if any, will be determined by the Town Council"~~
  4. ~~NFPA 1, 1992 edition~~
  5. ~~NFPA 101, Life Safety Code, 1994 edition~~
  6. ~~NFPA 10, 1994 edition~~
  7. ~~NFPA 13, 1994 edition~~
  8. ~~NFPA 13R, 1994 edition~~
  9. ~~NFPA 13D, 1994 edition~~
  10. ~~NFPA 30, 1993 edition~~

CHAPTER III - FIRE PREVENTION (Cont'd)

~~FIRE AND BUILDING CODES~~ **LIFE SAFETY**  
**CODES** (Cont'd)

11. ~~NFPA 31, 1992 edition~~
12. ~~NFPA 54, 1992 edition~~
13. ~~NFPA 58, 1992 edition~~
14. ~~NFPA 70, 1993 edition~~
15. ~~NFPA 72, 1993 edition~~
16. ~~NFPA 96, 1994 edition~~
17. ~~NFPA 211, 1992 edition~~
18. ~~Section D Delete NFPA 101, 1988 Edition, replace with NFPA 101, 1994 edition~~
19. ~~Section E Delete NFPA 10, 1990 Edition, replace with NFPA 10, 1994 Edition~~
20. ~~Section F Delete NFPA 13, 1991 Edition, replace with NFPA 13, 1994 Edition~~
21. ~~Section G Delete NFPA 13R, 1991 Edition, replace with NFPA 13R, 1994 Edition~~
22. ~~Section H Delete NFPA 13D, 1991 Edition, replace with NFPA 13D, 1994 Edition~~
23. ~~Section O Delete NFPA 96, 1991 Edition, replace with NFPA 96, 1994 edition~~
24. ~~AMENDMENTS 04/14/03~~

~~Replace NFPA 1, Fire Prevention Code 1997 Edition with *NFPA 1, Fire Prevention Code, 2000 Edition*, with the following changes:~~

~~Delete Section 1-8.1 through 1-8.5, and replace it with “*1-8.1 The Board of Appeals will be the Londonderry Zoning Board of Adjustment*”.~~

~~Replace NFPA 13, Standard for Installation of Sprinkler Systems, 1996 Edition with *NFPA 13, 2002 Edition*.~~

~~Replace NFPA 13D, Standard for the Installation of Sprinkler Systems in one and two family dwellings, 1999 Edition with *NFPA 13D, 2002 Edition*.~~

- A. ~~Adoption of Codes (Cont'd)~~  
~~AMENDMENTS 4/14/03 (Cont'd)~~

~~Replace NFPA 13R, Standard for the Installation of Sprinkler Systems in residential occupancies, 1996 Edition, with *NFPA 13R*,~~

~~2002 Edition.~~

### CHAPTER III - FIRE PREVENTION (Cont'd)

#### ~~FIRE AND BUILDING CODES~~ **LIFE SAFETY CODES** (Cont'd)

~~Replace NFPA 30, Flammable and Combustible Liquids Code, 1996 Edition, with *NFPA 30, 2000 Edition.*~~

~~Adopt *NFPA 30A, Automotive and Marine Service Station Code, 2000 Edition*~~

~~Replace NFPA 31, Standard for Installation of Oil Burning Equipment, 1997 Edition with *NFPA 31, 2001 Edition.*~~

~~Replace NFPA 54, National Fuel Gas Code, 1996 Edition with *NFPA 54, 2002 Edition.*~~

~~Replace NFPA 58, Standard for Storage and Handling of LPG, 1996 Edition, with *NFPA 58, 2001 Edition.*~~

~~Replace NFPA 72, National Fire Alarm Code, 1996 Edition with *NFPA 72, 2002 Edition*~~

~~Replace NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Equipment, 1998 Edition, with *NFPA 98, 2001 Edition.*~~

~~Replace NFPA 101, The Life Safety Code, 1997 Edition, with *NFPA 101, 2000 Edition.*~~

~~Replace NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, 1996 Edition with *NFPA 211, 2000 Edition.*~~

~~Adopt *The International Building Code, 2000 edition*, with the following change: Delete Section 112.1 and replace it with "***112.1 - The Board of Appeals will be the Londonderry Zoning Board of Adjustment. Delete Section 112.3.***~~

~~Replace BOCA National Fire Prevention Code, the 1999 Edition with *The International Fire Code 2000 Edition*, with the following change: Delete Section 108.1 and replace it with the following: "***108.1 - The Board of Appeals will be the Londonderry Zoning Board of Adjustment.***"~~

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION I **FIRE AND BUILDING CODES *LIFE SAFETY***  
***CODES*** (Cont'd)

A. ~~Adoption of Codes (Cont'd)~~  
~~AMENDMENTS - 4/14/03 (Cont'd)~~

~~Adopt the *International Mechanical Code, 2000 Edition* with the following change: Delete Section 109.2 through 109.7 and replace it with the following: "*109.2 - The Board of Appeals will be the Londonderry Zoning Board of Adjustment*".~~

C. ***EXCEPTIONS AND VARIANCES to the STATE FIRE CODE***

*The state fire marshal shall retain exclusive authority to grant exceptions or variances to the state fire code to the extent that such action will provide a degree of safety substantially equivalent to that provided under the provisions from which the exception or variance is granted.*

D. ***PLACES OF ASSEMBLY***

*Pursuant to the provisions of RSA 155:1 no "Places of Assembly" shall be erected or used in any manner as to endanger the health and safety of persons who may occupy them. No person shall own or operate a place of assembly within the Town of Londonderry unless licensed so to do by the licensing agency, in accordance with the provisions of RSA 155:18.*

~~E.~~

SECTION II **DEFINITIONS** - Add the following definitions to all codes adopted by reference in this ordinance:

A. The terms "authority having jurisdiction" "official" and "fire official" shall mean the Fire Chief *as delegated by the state fire marshal* and his designee or designees.

B. The terms "designee" or "designees" shall mean anyone appointed by the Fire Chief to enforce ~~these codes.~~ *the provisions of this Chapter.*

C. *"Licensing agency" shall mean the chief of the fire department, or the Fire Chief's designee.*

CHAPTER III - FIRE PREVENTION (Cont'd)

**SECTION II                    DEFINITIONS (Cont'd)**

*D.        "Places of assembly" , as defined by RSA 155:17, shall mean a room or space in which provision is made for the congregation or assembly of 100 or more persons for religious, recreational, educational, political, social or amusement purposes or for the consumption of food or drink*

**SECTION III                    ~~SMOKE/HEAT~~ ~~DETECTORS~~ ~~INSPECTION~~  
*RESPONSIBILITIES***

**A.        *SCHOOL BUILDINGS***

~~Every occupied dwelling unit must have at least one smoke and/or heat detector for the protection of life and property.~~

*It shall be the responsibility of the Fire Chief, or his designee, to annually inspect all school buildings in the Town of Londonderry, as required by the provisions of RSA 153:14, II. (b). The Fire Chief shall submit a written report to the state fire marshal detailing any state fire code compliance issues no later than December 15<sup>th</sup> each year. A copy of the report shall be provided to the school superintendent and school board members.*

**B.        *PLACES OF ASSEMBLY***

~~Smoke and/or heat detection devices required by this regulation shall be approved by Underwriter Laboratories (U.L.) or Factory Mutual (F.M.); and shall be capable of producing an audible alarm of sufficient loudness to awaken occupants of every dwelling unit that they are designed to protect, and shall be maintained operating condition at all times.~~

*All "Places of Assembly", in the Town of Londonderry shall be required to obtain a license to operate from the "Licensing Agency" annually. The "Licensing Agency" is authorized to conduct inspections, in accordance with the provisions of RSA 155:34, and to issue written orders for correction of any life safety deficiencies.*

**C.        *OTHER BUILDINGS (non-residential)***

~~These requirements are in addition to any other detection or suppression system that is required.~~

*Any building equipped or to be equipped with a fire suppression system or fire detection system shall be inspected by the fire department for the purpose of assuring that the system is properly functioning, annually tested and meets the New Hampshire State Fire Code Saf-C6000*

*Any building that contains processes or storage of materials that are*



*considered dangerous, hazardous, combustibile or flammable shall be inspected by the fire department to determine that all are in compliance with the New Hampshire State Fire Code Saf-C6000.*

~~D. All occupied dwelling units shall have such detection devices installed in accordance with the written instructions issued and enforced by the Londonderry Fire Department or Inspection Department.~~

### CHAPTER III - FIRE PREVENTION (Cont'd)

#### SECTION III *INSPECTION RESPONSIBILITIES* (Cont'd)

~~E. Any person who shall violate any of the above provisions shall upon conviction thereof be fined not more than one hundred (\$100.00) dollars. Every day that a violation continues after the owner has received notice of the existence of the condition that constitutes the violation shall be deemed a separate offense~~

#### *SECTION IV PENALTY*

**A. Penalty for Violation.** Any person, firm or corporation violating any of the provisions of *any code or referenced standard adopted by this Chapter shall be subject to the fines and penalties as prescribed by RSA 674:15 and 676:17.* ~~the BOCA Fire Prevention Code or any NFPA Code adopted by reference in this ordinance or failing to comply with any order issued pursuant to any section thereof shall be guilty of a violation and subject to a fine not to exceed One Thousand Dollars (\$1,000) for each offense. Each day the violation continues after a service of notice shall be deemed as a separate offense.~~

#### SECTION V FIRE PERMITS, FEE SCHEDULE

A. The Town has voted to adopt a fee schedule for the issuance of permits by the Londonderry Fire Department. Said permits will be issued in accordance with the *State Fire Code Saf-C 6000, as allowed under the provisions of RSA 153:5.* ~~Fire Prevention Codes as outlined in Building Officials and Code Administrators International, National Fire Protection Association, and State of New Hampshire RSA 155 A. This adoption is by reference as permitted by RSA 153:5.~~

**CHAPTER III - FIRE PREVENTION (Cont'd)**

**SECTION V FIRE PERMITS, FEE SCHEDULE (Cont'd)**

B. Fee Schedule Changes as of 4/14/03:

<i>Permit</i>	<i>Fee</i>	<i>Term</i>
Open Burning	No Charge	24 Hours
Oil Burning Equipment	\$25.00	One Time Fee
Gas Burning Equipment	\$25.00	One Time Fee
L.P.G. Tanks	\$25.00	One Time Fee
Tank Removal	\$25.00	One Time Fee
<i>Plan Review Sprinklers</i>	<i>\$1 per Sprinkler Head or \$25, whichever is greater</i>	<i>Paid when plans are submitted</i>
<i>Plan Review Alarms</i>	<i>\$1 per device, including initiation and notification devices or \$25, whichever is greater</i>	<i>Paid when plans are submitted</i>
Alarm/Sprinkler Permit	\$25.00	One Time Fee
Combustible Storage	\$25.00	One Year
Flammable/Combustible Liquid Storage	\$25.00	One Year
Flammable Finishes	\$25.00	One Year
Place of Assembly	\$25.00	One Year
Blasting	\$100.00	One Year
Firework Sales	\$1,000.00	One Year

C. The Fire Department shall develop and issue permits for all gas burning equipment.

1. Said equipment shall be installed in accordance with the adopted fire prevention codes of the Town of Londonderry.
2. The permit fee shall be twenty five (\$25) dollars.

C.D. Existing occupancies with renewable permits will be assessed permit fees as existing permits are renewed.

D.E. The permit fee for all other permits required by adopted fire codes, with the exception of the above, shall be ~~twenty five (\$25)~~ **no greater than fifty dollars (\$50)**.

E.F. There shall be no fee charged for permits for outside burning.

F.G. Town-owned buildings shall be exempt from all permit fees.

G.H. The Chief of the Fire Department or his/her designee, upon passage of this ordinance, will establish Administrative Rules governing the issuance of permits. The Town Council will review and adjust the fees as necessary every two years.

## CHAPTER III - FIRE PREVENTION (Cont'd)

### SECTION VI MUTUAL AID SYSTEM, PUBLIC SAFETY SERVICES

- A. Pursuant to RSA 154:30-a, the Town authorizes the Fire Department to enter a District Fire/Hazardous Materials Mutual Aid system.

### SECTION VII CONTROL AND CONTAINMENT OF HAZARDOUS MATERIALS

- A. Authority -This ordinance is enacted under the authority of RSA 31:39, RSA 41:11, RSA 47:17 VI, and RSA 154.
- B. Purpose - To provide for the control and containment of hazardous materials after accident or discharge. The purpose of this ordinance is not to impose upon the Town, or any of its officers and agents, any obligation to secure or remove any hazardous material from the Town, once safe containment of the material is made; and that nothing in the ordinance is intended to relieve any owner or person in possession of hazardous material of any obligation imposed by State or Federal law; and specifically, that nothing in this ordinance shall be deemed to permit the possession, storage, or use of hazardous materials, except in conformance with all State, Federal or Local laws.
- C. Application - This ordinance shall apply to all incidents involving hazardous waste or hazardous materials within the boundaries of the Town of Londonderry and to all persons who may possess such materials found within the Town except as prevailing State or Federal laws or regulations may take precedence and control over any such incident or person. (See RSA 146-A, RSA 147 and RSA 265:115-118 for examples of such prevailing State law at the time this ordinance is adopted).
- D. Definitions-For the purpose of this ordinance, the following definitions shall apply:
  - 1. **Hazardous Materials.** Those substances or materials in such quantity or form which may pose an unreasonable risk to health and safety or property, which may include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids and solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases which are listed by the Materials Transportation Bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations, and any amendment thereto.

### CHAPTER III - FIRE PREVENTION (Cont'd)

#### SECTION VII CONTROL AND CONTAINMENT OF HAZARDOUS MATERIALS (Cont'd)

2. **Person.** Any individual, corporation, partnership, trust or other legal entity.
3. **User.** Any person who manufactures or transports, or owns, uses, handles, stores, or has the legal authority to control hazardous materials, specifically including their officers, directors, employees and agents.
4. **Responsible Party.** Any individual, partnership, corporation, association, trust, or other entity partially or solely responsible for the release of any hazardous material within the Town.
5. **Cleanup.** The management, control, containment, recovery, removal or neutralization of any released hazardous material for the purpose of promoting or protecting public health or safety.

#### SECTION VIII DUTY TO REPORT

- A. Any person who causes or has knowledge of any discharge or release of hazardous materials from their safe container, in any manner which poses an actual or potential threat to people, animals, wildlife, vegetation, property, or the environment, shall immediately report the incident to the Londonderry Fire Department.

#### SECTION IX CLEANUP

- A. The user or transporter of a hazardous material which is intentionally or accidentally discharged or released within the Town shall, in addition to reporting the accident as required by Section ~~12-3.5~~ *VII of this Chapter*, take immediate action to cause the discharge or release to be cleaned up in an environmentally safe and scientifically sound manner, and to restore the site and the surrounding environment.

#### SECTION X INTENTIONAL DISCHARGE OR RELEASE

- A. The intentional discharge or release of a hazardous material within the Town of Londonderry is strictly prohibited.

## CHAPTER III - FIRE PREVENTION (Cont'd)

### SECTION XI COST RECOVERY

- A. Upon the completion of any cleanup in which Town employees participated, all costs incurred by the Town, either within the Town or outside of the Town pursuant to the provisions of the Mutual Aid System, shall be itemized by each Town Department involved, including the Fire Department. Such costs shall include, but are not limited to
1. The cost of cleaning, repair, restoration or replacement of any Town material or equipment used in the cleanup,
  2. The costs of any illness or injury sustained by any employee who participated in the cleanup, involved in the emergency response, and
  3. The cost of the Fire, Police, Public Safety and Municipal personnel
  4. The costs of all contracted services utilized in the cleanup.
- B. The Fire Department shall, upon receipt of these itemizations, submit a bill for the full cost of the cleanup or emergency response activities, to the responsible party or parties within thirty (30) days after the Town's response is concluded. The bill shall include a description of costs incurred. Bills for less than the full amount of these costs shall be allowed, provided that the responsible party is advised of the reason therefore and the approximate date by which it can expect to receive a complete bill.
- C. Each responsible party shall be jointly and severally liable to the Town for the costs of the cleanup for which they are responsible. Such costs may be collected by any lawful means including, but not limited to, appropriate court proceedings. All funds received from responsible parties shall be forwarded to the Finance Department for deposit in the Town treasury.
- D. Any and all costs recovered from a responsible party shall be separate from and in addition to any penalty that may be assessed for any violation of any provision of this article.

### SECTION XII PENALTIES

- A. Any person who fails to report, as required by Section ~~12-3.5~~ *VII A. of this Chapter* shall be assessed a penalty not to exceed one thousand (\$1,0000) dollars, *as provided by RSA 31:39*. Each 24-hour period that the incident is not reported shall constitute a separate violation.

### CHAPTER III - FIRE PREVENTION (Cont'd)

#### SECTION XIII PENALTIES (Cont'd)

- B. Any person who intentionally discharges or releases, or causes another to discharge or release any hazardous materials from their safe container, in any manner which poses an actual or potential threat to people, animals, wildlife, vegetation, property, or the environment, shall be assessed a penalty not to exceed one thousand (\$1,000) dollars, *as provided by RSA 31:39.*
- C. Any person who fails to take the action required by Section ~~42-3.6~~ *VIII A. of this Chapter* shall be assessed a penalty not to exceed one thousand (\$1,000.00) dollars, *as provided by RSA 31:39.* Each 24-hour period that a person fails to take action to cause the discharge or release of a hazardous material to be cleaned up, shall constitute a separate violation.

#### SECTION XIV REMEDY NOT EXCLUSIVE

- A. Nothing in this ordinance shall be construed to limit any other remedy the Town may have to collect from a responsible party the cost of control and containment of hazardous materials incidents.

#### SECTION XV USE OF COSTS AND PENALTIES COLLECTED

- A. All costs and penalties collected under this ordinance shall be placed in the General Fund.

#### SECTION XVI EMERGENCY OPERATIONS

- A.. The Fire Chief of the Town of Londonderry, or his designated representative(s), shall take, and be in control of, any actions necessary to mitigate a hazardous materials incident within the Town of Londonderry, except where State or Federal agencies have jurisdiction by law.

#### SECTION XVII ENFORCEMENT

- A. The Fire Department of the Town of Londonderry shall be responsible for enforcing this ordinance.

### CHAPTER III - FIRE PREVENTION (Cont'd)

**SECTION XVIII REPEAL**

- A. Any provision of any ordinance which is inconsistent with this ordinance is hereby repealed.

**SECTION XIX SEVERABILITY**

- A. If any section, subsection, sentence, clause, phrase, or part of this ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions; which shall remain in full force and effect; and, to this end, the provisions of this ordinance are severable.

**~~End of Chapter~~**

**ORDINANCE #2011-09**  
**AN AMENDMENT TO THE ZONING ORDINANCE**  
**RELATING TO REZONING MAP 15, LOTS 183, 184**  
**AND 185, MAMMOTH ROAD;**  
**AND MAP 13, 96B, ROCKINGHAM ROAD TO C-II**

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Introduced: 8/15/11

Second Read/Pub Hrg: 9/12/11

Adopted: 9/12/11

**WHEREAS** the Planning Board has received separate requests to rezone the above-referenced parcels to C-II; and

**WHEREAS** the Planning Board has recommended that the Town Council act favorably upon these requests; and

**WHEREAS** the requested rezoning would further expand the Town's non-residential tax base and is consistent with existing land use patterns and surrounding zoning;

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 15, Lots 183, 184 and 185, Mammoth Road from C-I to C-II; and Map 13, Lot 96B from AR-I to C-II, to become effective upon passage by the Town Council

\_\_\_\_\_  
Sean O'Keefe  
Chairman - Londonderry Town Council

**A TRUE COPY ATTEST:**

\_\_\_\_\_  
*Marguerite Seymour - Town Clerk*  
xx/xx/xx

*Town Seal*





**TOWN OF LONDONDERRY**  
*Community Development*  
**Planning & Economic Development Division**

*Timothy J. Thompson, AICP, Town Planner*  
268B Mammoth Road  
Londonderry, New Hampshire 03053  
Phone: (603) 432-1100, x103 Fax: (603) 432-1128  
e-mail: tthompson@londonderrynh.org

**To:** Town Council  
**CC:** Building Division

**From:** Timothy J. Thompson, AICP

**Date:** July 14, 2011

**Subject: Rezoning Recommendation from the Planning Board**

On July 13, 2011, the Planning Board held 2 public hearings relative to the Zoning Ordinance and Map.

The Planning Board, by a unanimous vote, recommends the approval of the following:

1. Rezoning of Tax Map 15, Lots 183, 184, & 185 from C-I to C-II; and
2. Rezoning of Tax Map 13, Lot 96B from AR-I to C-II.

A copy of the staff recommendations for the rezonings are attached.



**TOWN OF LONDONDERRY**  
*Community Development Department*  
**Planning & Economic Development Division**

268B Mammoth Road  
 Londonderry, New Hampshire 03053  
 Phone: (603) 432-1100, x134 Fax: (603) 432-1128



# REZONING APPLICATION



Name of Applicant: L-TOWN GARAGE, LLC

Name of Lot Owner: CROWNING HOLDING, INC (KATHY BERGER)  
 (If different)

Address: P.O. BOX 412, CANDIA, NH 03034

Telephone #: 603-587-0060

Date Submitted: \_\_\_\_\_

Tax Map # 015 Lot # 183/184  
 (Please list all if multiple lots are involved)

Current Zoning: C1

Proposed Zoning: C2

**Please explain the purpose and justification for your rezoning request** (attach additional sheets if necessary):

*For the short term, to provide off-site parking for Friends of Mosque donated vehicles.*

**Planning Department Comments** (to be filled in by Town Staff):

See Staff Recommendation dated 7/13/11

**MEMORANDUM**

To: Planning Board

Date: July 13, 2011

From: Timothy J. Thompson, AICP  
Town Planner

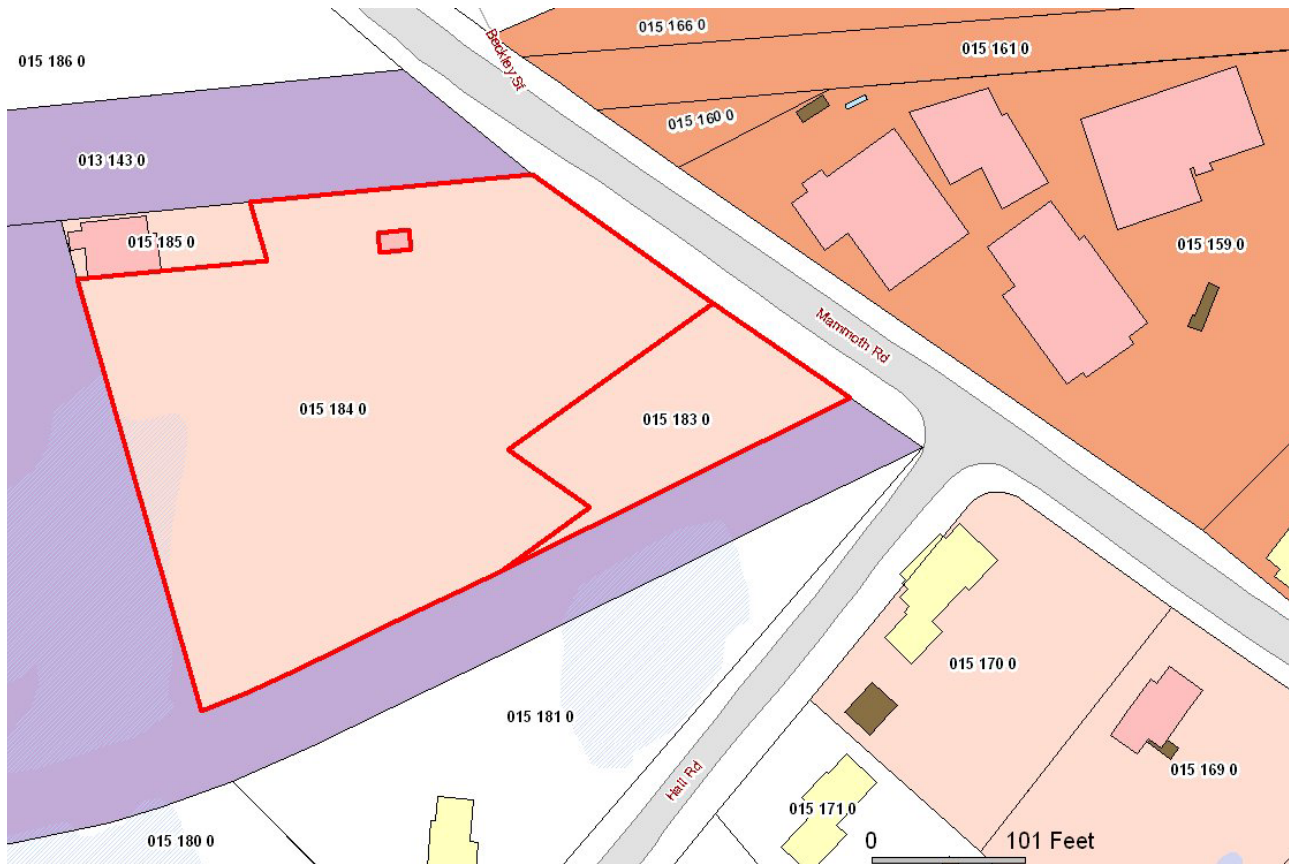
Re: Rezoning Request:  
Map 15, Lots 183 & 184  
From C-I to C-II

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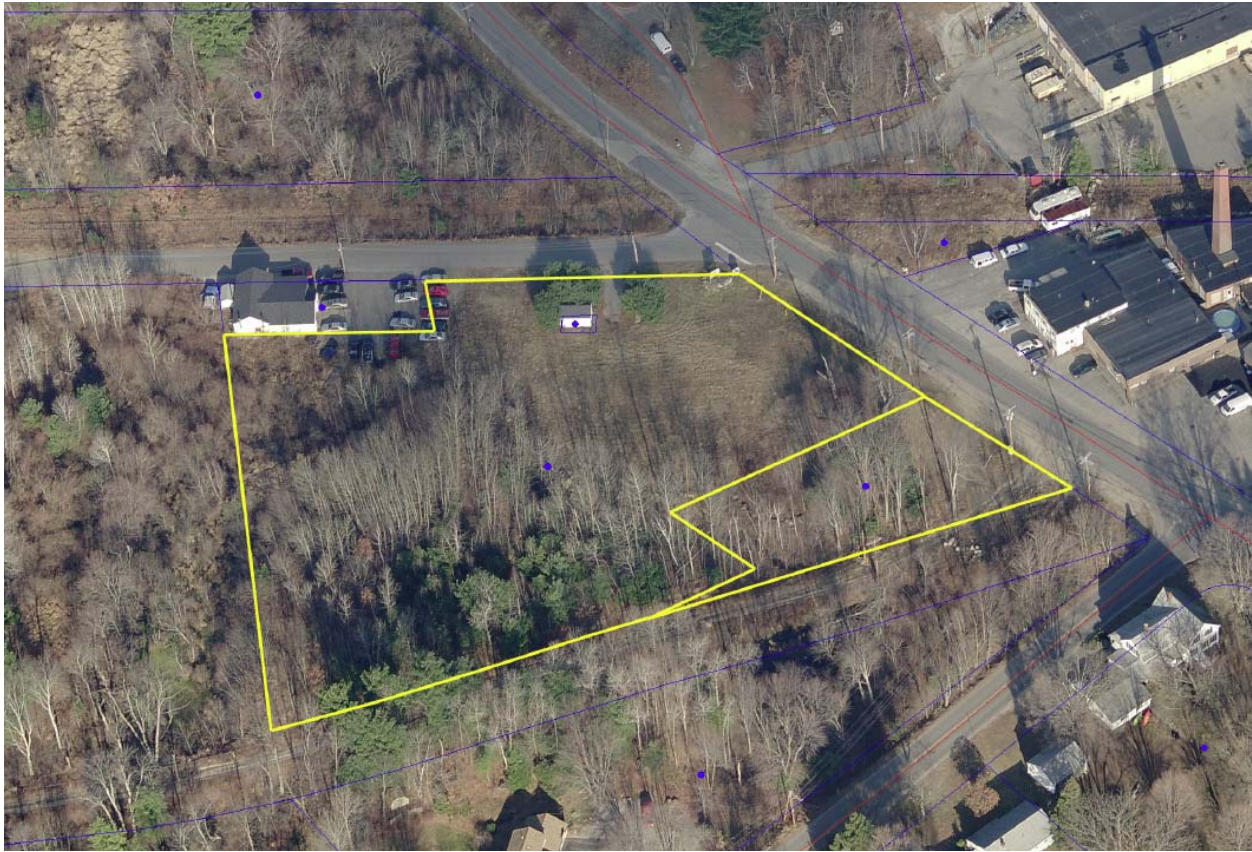
The Planning & Economic Development Division has reviewed the above referenced rezoning request and we offer the following comments:

**Review Comments:**

The applicant requests the rezoning the above referenced lot from C-I to C-II. The parcel is located on Mammoth Road in the north village area. (See below map and picture).







As was presented to the Planning Board conceptually on June 8, the applicant seeks to expand their automotive service business located on Lot 185 on to the adjacent parcels at some time in the future, due to the limited size of their existing parcel. Because the existing lot where the business is located (Lot 185) is zoned C-I, the existing facility is non-conforming. Staff recommends that the Planning Board also include Lot 185 as part of the rezoning, making all 3 lots C-II, which would make the business conforming to the zoning today as well as when expanded in the future. All abutters to lot 185 have been properly notified as part of this application, so amending the request to include all 3 lots would not require an additional hearing from the Planning Board.

The 2004 Master Plan does not specifically call for the re-zoning of this area, however the proposed zoning is consistent with existing land use patterns and surrounding zoning (primarily I-I and C-II).

**Staff Recommendation:**

In summary, the rezoning is consistent with the Master Plan and surrounding land uses/area zoning. As such, staff recommends that the Planning Board **RECOMMEND** this rezoning from C-I to C-II to the Town Council, with ***Map 15, Lot 185 included*** in addition to lots 183 and 184.



TOWN OF LONDONDERRY

Community Development Department  
Planning & Economic Development Division



268B Mammoth Road  
Londonderry, New Hampshire 03053  
Phone: (603) 432-1100, x134 Fax: (603) 432-1128

## REZONING APPLICATION

Name of Applicant: ROBERT E. & JUDITH A LYNCH

Name of Lot Owner: \_\_\_\_\_  
(If different)

Address: 9 ASHLEY DRIVE LONDONDERRY NH 03053

Telephone #: 603-434-5105

Date Submitted: 6/22/2011

Tax Map # 13 Lot # 96B-0  
(Please list all if multiple lots are involved)

Current Zoning: RES/AGRI

1 Rockingham rd.

Proposed Zoning: COMMERCIAL

Please explain the purpose and justification for your rezoning request (attach additional sheets if necessary):

TO ENABLE EXPANDED USE OF CURRENT  
SITE PLAN.

Planning Department Comments (to be filled in by Town Staff):

See Staff Recommendation dated 7/13/11



**MEMORANDUM**

To: Planning Board

Date: July 13, 2011

From: Timothy J. Thompson, AICP  
Town Planner

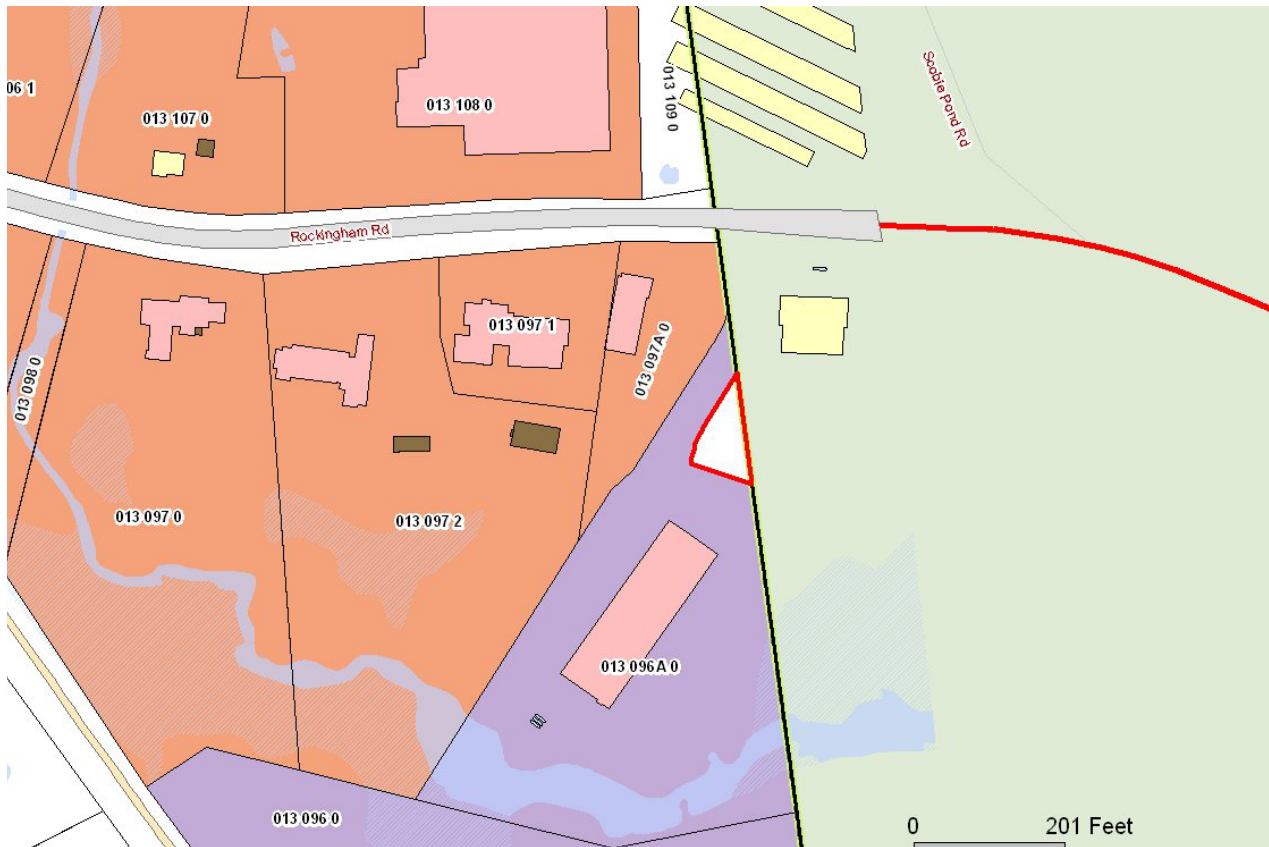
Re: Rezoning Request:  
Map 13, Lot 96B  
From AR-I to C-II

---

The Planning & Economic Development Division has reviewed the above referenced rezoning request and we offer the following comments:

**Review Comments:**

The applicant requests the rezoning the above referenced lot from AR-I to C-II. The parcel is located off Rockingham Road at the Derry Town line. (See below map and picture).





As was presented to the Planning Board conceptually on June 8, the applicant seeks to expand his auto sales business on this parcel, located primarily in Derry, but with a small portion located within Londonderry (a site plan from 2006 was approved by Derry). The parcel is surrounded on all sides by commercial and industrial zoning, and the use is consistent with the surrounding land uses and zoning districts. It appears that this portion of the lot within Londonderry (as well as land across the street where the storage warehouse use is located) were never given a zoning district since the majority of the land was within Derry, and the default zoning assigned to the portion of the land in Londonderry was AR-I.

The 2004 Master Plan does not specifically call for the re-zoning of this area; however the proposed zoning is consistent with existing land use patterns and surrounding zoning.

**Staff Recommendation:**

In summary, the rezoning is consistent with the Master Plan and surrounding land uses/area zoning. As such, staff recommends that the Planning Board **RECOMMEND** this rezoning from AR-I to C-II to the Town Council.

## *Dispatch Committee Members*

Londonderry Fire	Captain Doug Cardwell
Londonderry Police	Lt. Tim Jones
Town Councilor	
Budget Committee	Lisa Whittemore
School Board	Steve Young
Four (4) members of the public:	1.
	2.
	3.
	4.

The Town Manager shall serve as a non-voting ex-officio member.



## *Dog Park Committee Members*

Planning Board

Scott Benson

Budget Committee

John Curran

Seven (7) members of the public:

- 1.
- 2.
- 3.
- 4.

The Health Officer shall serve as a non-voting ex-officio member.

# RESOLUTION #2011-14

A Resolution Relative to  
***The Transfer of an Easement to the  
Rockingham County Conservation District***

---

First Reading: 08/15/11  
Adopted: 09/12/11

**WHEREAS** the provisions of RSA 36:A-4 allow the Conservation Commission to receive gifts of money and property, and to purchase property; said property and gifts to be managed and controlled by the Commission; and

**WHEREAS** The Town purchased a conservation easement in 2002 on 20.88 acres at Sunnycrest Farm in cooperation with the Farm and Ranch Land Protection Program (FRPP); and

**WHEREAS** The Rockingham County Conservation District (RCCD) is better positioned to provide monitoring services to insure that the easement provisions are maintained; and

**WHEREAS** the Commission has voted to recommend the transfer of the easement to the RCCD and retain executory interests to insure that the goals of Londonderry's Open Space Program continue to be met;

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that the Conservation Commission's recommendation to transfer the FRPP easement to the RCCD is hereby approved, and the Town Manager is authorized to execute the necessary documents to complete this transaction.

Sean O'Keefe - Chairman  
Town Council

( TOWN SEAL )

---

Marguerite Seymour - Town Clerk/Tax Collector

**A TRUE COPY ATTEST:**  
**08/15/11**

Introduced: 6/20/11  
Second Read/Pub Hrg: 7/11/11  
Adopted: 7/11/11

**ORDINANCE #2011-06**  
***AN AMENDMENT TO THE ZONING ORDINANCE***  
***RELATING TO REZONING MAP 15, LOT 97, CLARK***  
***AND JACKS BRIDGE ROAD***

---

***WHEREAS*** the Planning Board has received a request to rezone the above-referenced parcels from AR-I to I-I; and

***WHEREAS*** the Planning Board has recommended that the Town Council act favorably upon the request; and

***WHEREAS*** the requested rezoning would further expand the Town's non-residential tax base without any detrimental effects upon the quality of life in the community;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 15, Lot 97 from AR-I to I-I, to become effective upon passage by the Town Council

\_\_\_\_\_  
Sean O'Keefe  
Chairman - Londonderry Town Council

***A TRUE COPY ATTEST:***

\_\_\_\_\_  
***Marguerite Seymour - Town Clerk***  
*xx/xx/xx*

***Town Seal***

## RESOLUTION 2011-04

A Resolution Relative to the  
***DISCONTINUANCE OF HIGHWAY  
(Portion of Scobie Pond Road)***

---

First Reading: 03/21/11

Second Reading/Public Hearing: 04/04/11

Continued Public Hearing: 04/18/11, 05/16/11

Adopted: 05/16/11

Corrected Version: 09/12/11

***WHEREAS*** the Town Council, in accordance with RSA 231:43 has received a petition to completely discontinue and relinquish all public interest in a portion of Class VI highway known as Scobie Pond Road between Woods Avenue and Brewster Road convey by deed without covenants, whatever interest the Town may have, if any, in Scobie Pond Road to the abutters with each abutter being given that portion of Scobie Pond Road abutting their property to the center-line of Scobie Pond Road; and

***WHEREAS*** the matter of discontinuing a highway under RSA 231:43 is within the authority of the Town Council; and

***WHEREAS*** the aforementioned highway was discontinued subject to gates and bars by voters at the 1932 Town Meeting,

***NOW THEREFORE BE IT RESOLVED*** by the Londonderry Town Council that the discontinuance of a portion of Scobie Pond Road as shown on the map entitled "Road to Scobie Pond – Discontinuance" prepared by McEaney Survey Associates, Inc., Dover, NH dated April 27, 2011 is hereby approved and that the Town convey by deed without covenants, whatever interest the Town may have, if any, in Scobie Pond Road to the abutters with each abutter being given that portion of Scobie Pond Road abutting their property to the center-line of Scobie Pond Road; subject to the condition that the Trustees of the Kenneth A. Lorden Trust shall indemnify and hold harmless the Town of Londonderry from any claims arising from the Town Council's decision to discontinue said portion of Scobie Pond Road. The Trustees may, in its sole and absolute discretion, withdraw this Petition, even if granted by the Town of Londonderry, in the event an abutter seeks damages under RSA 213:48, in which case the Trustees shall pay any legal fees incurred by the Town of Londonderry up to the date the Trustees gives notice of the Trustee's withdrawal of the Petition.

Sean O'Keefe, Chairman  
Town Council

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Marguerite Seymour  
Town Clerk/Tax Collector

( TOWN SEAL )

***A TRUE COPY ATTEST:***  
***Adopted 05/16/11***

# RESOLUTION 2011-15

Relative to the  
**LONDONDERRY LEACH LIBRARY TECHNOLOGY PLANS**

---

First Reading: 09/12/11  
Adopted: 09/12/11

**WHEREAS** the Town Council established a goal to review all town regulations, ordinances, practices and procedures in an effort to identify and eliminate inefficiencies and outdated processes; and

**WHEREAS** this process has also involved maximizing the use of technology in the organization; and

**WHEREAS** the Council is interested in learning about Leach Library's vision incorporating technology and electronic offerings, such as e-books to residents, and other operating efficiencies such as self service check out;

**NOW THEREFORE BE IT RESOLVED** that the Londonderry Town Council requests that the Londonderry Leach Library Trustees submit as part of its FY13 Budget request, a plan outlining changes to its business model, operations and annual budget resulting for increased usage of e-books.

Sean O'Keefe, Chairman  
Town Council

---

Marguerite Seymour - Town Clerk/Tax Collector

( TOWN SEAL )

**A TRUE COPY ATTEST:**  
**09/12/11**

**TOWN COUNCIL MEETING**  
**August 15, 2011**

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

**PRESENT: Town Council: Chairman Sean O’Keefe; Vice Chairman Joe Green; Councilors: John Farrell, Tom Freda; Town Manager Dave Caron; Executive Assistant, Margo Lapietro. Absent: Tom Dolan.**

**CALL TO ORDER**

**Chairman O’Keefe opened the meeting at 7:04 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country, including a 30 member SEAL Team that was recently killed in Afghanistan.**

**PUBLIC COMMENT**

**Board/Committee/Commission Updates**

Southern NH Planning Commission – Dir. David Preese and Londonderry Representative Sharon Carson of the Southern NH Planning Commission (SNHPC) informed the Council that this year they were celebrating their 45 year of being a regional planning commission. He reviewed their formation and goals for the 13 municipalities that they currently represent. They are the largest regional planning commission and metropolitan planning organization in NH. Their number one priority is to provide services to the local communities. He proceeded to pass out a letter that listed their basic services provided to their dues-paying member municipalities. Sharon Carson reviewed the services which SNHPC provides and stated they have an extremely professional staff and are very aware of what is going on in Concord. They serve as a resource for planning, housing, transportation and business development. D. Preese said they are working with our Planning Dept. to develop an energy chapter for the Master Plan to help reduce energy and gain an energy savings. Councilor Freda asked if they have been involved with the Woodmont project. D. Preese said they are very familiar with the project. They are preparing a critical review of a development of a regional impact to include environmental, traffic and land use. Councilor Freda questioned if that included the impacts to the entire region including I-93. He responded yes, they will look at all the features of the development and make their findings to the Planning Board for their consideration. He explained it is like a mini-environmental impact statement. Chairman O’Keefe thanked them for their valuable service. Councilor Freda said one of the services listed in the letter is that they provide traffic counts for locations requested by local authorities. He asked if the information is available, and D. Preese responded it is on their website. Dir. of Community Development Andre Garron said the SNHPC does provide traffic counts for the town and he has copies of them since 1999 which are available to the public. Councilor Green asked if it is being done at Woodmont; D. Preese responded SNHPC could do that. D. Preese said they have a traffic model which can project traffic impacts given the current traffic counts at intersections. Councilor Farrell questioned that if we got a report from a developer and we thought the report was deficient we could give that to you and you can put it into his model and verify it. D. Preese responded that is correct and we provide the service to

47 review any traffic studies to make sure that they are sound. A. Garron complimented SNHPC  
48 stating that over the last 8 years the information they provide is extremely helpful.  
49

50 Maria Newman - Alternate Position on the Planning Board - Maria Newman said she has lived  
51 here for 14 years and has volunteered for the school district for many years and was PTO  
52 president at one of the schools. She explained she is a graduate of the Leadership Londonderry  
53 program. Councilor Green asked her how she could best effect change going forward to the  
54 Board, what she can add to the Board. She said living here 14 years helps; she has seen the  
55 growth, and the positive changes coming to the town. She feels she can listen and learn and give  
56 some good input. He asked her what she thought of Woodmont. She responded generally she is  
57 for it, she has been following it but she has no preconceived notions of it. She said she is for  
58 growth in town and it has to be very carefully decided on. Councilor Freda and Chairman  
59 O'Keefe thanked her for volunteering. Town Manager Caron said there was another interested  
60 candidate who could not make it tonight and was scheduled for the 9/12/11 meeting. The  
61 consensus was to move forward tonight. **Council's vote to appoint Maria Newman to an  
62 alternate position on the Planning Board was approved, 4-0-0.**  
63

64 Kathy Wagner gave her update of Old Home Day, and stated that this is the 112<sup>th</sup> annual  
65 celebration. It is being held from 8/17/11 – 8/21/11, and she reviewed the schedule of events and  
66 listed the major contributors.  
67

68 Open Space Taskforce Report - Mike Speltz and John Vogl of the Taskforce were in attendance  
69 and acknowledged and thanked the members and staff. He said that a copy of this report was  
70 sent to the Director of Research at the Forest Society and he said it is probably the best Open  
71 Space Plan in the state that he has seen. M. Speltz reviewed the mission to develop a plan to  
72 fulfill the Master Plan mandate to protect the natural resources needed to sustain a livable  
73 Londonderry. The scope of work was done in five phases. He reviewed:  
74

75 Open Space Inventory and Status as of December 2010  
76 Stewardship  
77 Land Characteristics and Liabilities  
78 Land Protection methods  
79 Identification of Priority Natural Resources  
80 Summary of Natural Resource Indicators  
81 Public Opinion Survey  
82 Strengths, Weakness, Opportunities and Threats  
83 Financial plan  
84

85 The report came to the following Conclusions:  
86

87 Conclusion 1 – Continuing to protect open spaces  
88 Conclusion 2 – Developing a comprehensive stewardship plan for all town-owned land  
89 Conclusion 3 – Protection of water resources  
90 Conclusion 4 – Education/Outreach  
91 Conclusion 5 – Recreation on town owned land  
92 Conclusion 6 – Land use regulations/policies  
93 Conclusion 7 - Funding  
94



95 Currently the town spends 2.7% of its town budget on open space. The financial plan  
96 recommends a level steady approach maintaining the 2.7% which would keep the bond payments  
97 below \$900,000 for the next 20 years. Councilor Farrell said according to his presentation open  
98 space is going to come to the CIP for \$9M in the next 6 years. M. Speltz said no it will be just  
99 about \$1M each year with \$4M in 2025. J. Vogl explained as the current bonds are paid off it  
100 allows some room for a new bond to be released and paid for keeping the total tax burden under  
101 2..7%. M. Speltz said the CIP request is for \$2M. Councilor Freda asked why they were  
102 anticipating funding needs if the town was being assumed to be built out in 15 years as indicated.  
103 M. Speltz responded he wouldn't. The report recommends creating a taskforce to complete a  
104 comprehensive stewardship plan using the Land Use Change Tax (LUC) to create a non-lapsing  
105 account to fund it.

## PUBLIC HEARING

### OLD BUSINESS

#### Conservation – Commission Decision on the Use of Funds for Debt Service Payment –

112 Town Manager Caron explained that the Council on 6/20/11 asked that the Conservation  
113 Commission consider allocating \$50K from their Land Use Funds towards helping pay debt  
114 service incurred for Open Space acquisitions. The Commission notified the Council that they  
115 would allocate using \$50K for the FY13 debt and to authorize the expenditure of 5% of the total  
116 funds collected through the LUC tax beginning July 1<sup>st</sup> to be applied to the FY14 Open Space  
117 debt service. Chairman O'Keefe stated that they appreciate it.

### NEW BUSINESS

121 Community Development Office Staffing Levels – Community Development Director Andre  
122 Garron was in attendance. He explained that there is an existing opening in the Community  
123 Development Dept. for a Town Planner position. He proceeded to explain the job requirements  
124 and responsibilities of the position. He compared the Community Development staffing levels  
125 and salary with similar communities. He reviewed the current construction projects under  
126 development. Councilor Freda said one of the duties for the position involves acting in the  
127 absence of the Director. Councilor Freda asked what kind of delays are being experienced with  
128 developers. A. Garron responded right now there have not been delays in the process, however,  
129 other responsibilities and projects staff is currently working are being delayed or deferred with  
130 the absence of a Town Planner. Councilor Green questioned if the salary range caps at \$67K; A.  
131 Garron responded it is currently in the LAEA contract. Councilor Freda asked if the projects that  
132 are current are major compared to prior projects. A. Garron responded they are comparable  
133 within the past 5 years. Woodmont has a lot of moving parts due to it being a PUD and is very  
134 complex compared to looking at one development. Councilor Farrell said the developers define  
135 the complexity. Town Manager Caron recommends the position be filled. He further stated that  
136 in previous years the Councilors' goal has been to drive revenues and enhance economic  
137 development. He also pointed out that A. Garron's duties were increased 2 years ago with the  
138 consolidation of the Building Department and the Planning Department. **Council's vote to fill  
139 the position was 3-1-0, with Councilor Green opposed.**  
140  
141

142 **Ordinance #2011-07 – Relative to an Amendment to Title I, Chapter XXVI, Prohibited**  
143 **Activities on Town Property.** Councilor Farrell read the first reading, public hearing  
144 scheduled for 9/12/11 and made a motion to adopt, second Councilor Green. Chairman  
145 O’Keefe said he thinks we already have enough rules and regulations in place; just call the police  
146 when you see something like that going on. Town Manager Caron said the Ordinance is  
147 proposed to assist the Police Department with specific enforcement authority. He said he asked  
148 our property and liability insurance carrier regarding potential exposure as the Town is now  
149 aware of this activity; he is awaiting input from both the Police Department and our insurance  
150 carrier. **Council’s vote was 4-0-0.**

151  
152 **Ordinance #2011-08 – Review and Revisions to the Municipal Code, Title I, Chapter XXIV,**  
153 **Title II, Chapters I-X; and Title IV, Chapter III -** Councilor Farrell made a motion to  
154 **waive the reading and schedule a public hearing scheduled for 9/12/11, second Councilor**  
155 **Freda.** Town Manager Caron said there is only one Chapter remaining to review in Title I,  
156 which is the Cable Division operations. It has been condensed, and delegates development of  
157 procedures to the Cable Director. The changes in Title II in the Traffic Safety Code clarify the  
158 Traffic Safety Committee’s responsibilities and update some statutory references. The only  
159 significant change is amending the noise restriction hours from 10:00PM to 10:00AM to  
160 10:00PM to 7:30AM based upon the police prosecutor’s recommendation. Title IV under Fire  
161 Prevention reflects the operational changes with the Building Dept. as contemplated in the FY12  
162 budget. All the changes require a public hearing to be held on 9/12/11. **Council’s vote 4-0-0.**

163  
164 **Ordinance #2011-09 – An Amendment to the Zoning Ordinance Relating to Rezoning Map**  
165 **15, Lots 183, 184 and 185, Mammoth Road; and Map 13, 96B, Rockingham Road to C-11.**  
166 Councilor Freda read the first reading, and made a motion for the second reading on  
167 9/12/11, second Councilor Farrell. **Council’s vote was 4-0-0.**

168  
169 **Resolution 2011-12 – Public Safety Dispatch Services Study Committee -** Councilor  
170 **Freda read the first reading and made a motion to adopt, second Councilor Farrell.**  
171 Councilor Farrell suggested changing the Charge to eliminate the budget committee member and  
172 change it to a school board member. Councilor Green said he would like to add another member  
173 from the public. The consensus was to have a total of 9 members, keep the budget member, add a  
174 school board member, and add 1 more member of the public. Town Manager Caron explained  
175 the target dates are to have interested citizens express their interest by 9/7/12 and having the final  
176 report by 12/29/11 to allow inclusion of any budgetary implications from the Council’s decision  
177 on this matter in the FY13 budget. Councilor Green said he thinks it is very important to have  
178 an outside consultant review the recommendations; he asked if there is money set aside to get an  
179 outside consultant. Town Manager Caron said if there is a need for a consultant he will have to  
180 identify the funding source. Chairman O’Keefe said a consultant should be part of the process.  
181 Councilor Green restated he would like to have an outside consultant. Town Manager Caron  
182 suggested he would favor hiring an outside consultant to give the Committee advice, however  
183 the Committee should be empowered to proceed as they determine. Councilor Farrell said if you  
184 choose a taskforce you have to empower them and leave the decision to the committee.  
185 Councilor Green questioned whether we would authorize the spending now or later. Town  
186 Manager Caron responded he is suggesting the committee come to him and let him know how  
187 much money they will need and he would identify the location of the funds before granting  
188 approval. **Council’s vote was 4-0-0.**

189

190 **Resolution #2011-13 – Dog Park Study Committee – Councilor Farrell made a motion to**  
191 **adopt, second Councilor Freda.** Dottie Grover, 537 Mammoth Road said she has received  
192 positive feedback from the community and informed Council that there are approximately 4,000  
193 registered dogs in town. She said she has 4 volunteers who have already expressed an interest in  
194 serving on the board but said she would like to have 7 public members on the committee. She  
195 said she is concerned about having a final report by 12/29. She said she would rather Council  
196 look at this in the FY14 budget process with interim reports. Her intention is to get funding from  
197 other sources than taxes. Councilor Farrell recommended removing the Town Councilor from  
198 the Charge and replacing with a Planning Board member, D. Grover clarified she is looking for  
199 7 public members to total 9 members. The report date on the Charge was changed to 12/28/12  
200 and the membership was increased according to above. **Council’s vote was 4-0-0.**  
201

202 **Resolution #2011-14 – Transfer of an Easement to the Rockingham County Conservation**  
203 **District – Councilor Farrell made a motion to continue Resolution 2011-14 until the**  
204 **September 12 meeting, after we have had time to study the Open Space Report and**  
205 **Councilor Dolan is present, second Councilor Green. Council’s vote was 4-0-0.**  
206

207 **Order 2011-15 – Expenditure of Maintenance Trust Funds for Various Projects –**  
208 **Councilor Farrell made a motion to adopt, second Councilor Freda.** Town Manager Caron  
209 stated that the majority of the expenses were for library roof repairs which was about \$45,000,  
210 closing out the old North Fire Station site to repave the area for \$11,664, improvements at the  
211 DPW Garage for \$44,000 and HVAC system repairs around the Town Campus. Chairman  
212 O’Keefe asked how the roof at the library was coming on, Town Manager Caron responded it is  
213 completed and on budget. **Council’s vote was 4-0-0.**  
214

#### 215 216 **APPROVAL OF MINUTES**

217  
218 **Councilor Farrell made a motion to approve the Public Meeting Minutes of 07/11/11,**  
219 **second Councilor Green. Council’s vote was 4-0-0.**  
220

#### 221 **OTHER BUSINESS**

222  
223 **Liaison Reports –** Councilor Freda said the Planning Board was anticipating the Woodmont  
224 application Sept./Oct.  
225

#### 226 **Board/Committee Appointments/Reappointments –**

227  
228 Resignation of Chuck Tilgner from the Planning Board. **Councilor Farrell made a motion to**  
229 **accept, second Councilor Freda. Council’s vote was 4-0-0.**  
230

231 Appointment of Dana Coons as a Full member to the Planning Board, term to expire 12/31/12.  
232 **Councilor Farrell made a motion to accept, second Councilor Freda. Council’s vote was 4-**  
233 **0-0.**  
234

235 Resignation of Karen Goodman from the Trustees of Leach Library. **Councilor Farrell made a**  
236 **motion to accept, second by Councilor Freda. Council’s vote was 4-0-0.**  
237

238 **Town Manager Report** – Discussion ensued about the date for the Deliberative Session, which  
239 can be held between 2/4/12 and 2/11/12. The School Deliberative is Friday, 2/10/11.  
240 Councilor Farrell said he thought the intent was to move away from a Saturday meeting to a  
241 weeknight. Consensus for the Deliberative Session was to hold it on Monday night 2/6/12 in the  
242 Londonderry High School cafeteria.

243  
244 Reconstruction of South Rd was completed on Friday. Mosquito spraying started at the Town  
245 Common on Saturday and Sunday evenings and will continue at all the schools and recreation  
246 fields, to be completed by Thursday.

247  
248 Karen Goodman who was a member of the Trustees of the Leach Library resigned and relocated  
249 outside the community. The Council has to appoint a replacement and will receive a  
250 recommendation from the Trustees.

251  
252 He said that Londonderry receives health insurance from the Local Government Center (LGC)  
253 and they have received a lot of publicity recently about a Secretary of State Report on their pool  
254 risk management programs. The questions that have been raised are the LGC's reserves too high  
255 and their business practices. He told the Council that he has been on the board the last 8 yrs;  
256 there are adequate reserves to continue to provide health insurance to our employees, any actions  
257 taken by the board was vetted through legal counsel with actuary/risk management consultant  
258 input. One of the concerns of the Secretary of State is that the reserves are too high and it should  
259 be returned to the towns, schools, cities who are members of the LGC. He said they use a  
260 measurement called Risk Base Capital, (RBC) which is used by the insurance companies.  
261 LGC's RBC is 4.2; one of the recommendations of the Sec. of State was that LGC should go to  
262 an equivalent RBC of 2.0. The States that overview risk pools would place pools with an RBC  
263 of 2.0 on the watch list for potential insolvency. The next steps include an administrative  
264 hearing with the Secretary of State's Office and potentially an appeal to the New Hampshire  
265 Supreme Court. Up until 7/1/11 LGC also provided property liability and workers compensation  
266 coverage to Londonderry, which were bid out and awarded to Primex to save local tax dollars.  
267 The school uses School Care and LGC for their health benefits. Our health programs are  
268 adequately funded and all claims submitted by employees will be paid. Councilor Farrell asked  
269 the Town Manager if he would be bidding out every year. He responded he did not foresee that  
270 but we did bid out our health insurance this past year and had only 2 bidders – Primex and LGC.  
271 School Care and none of the private carriers submitted bids. LGC was the most economically  
272 priced.

273  
274 **ADJOURNMENT**  
275  
276 **Councilor Farrell made a motion to adjourn at 9:34P.M., second Councilor Freda.**  
277 **Council's vote was 5-0-0.**

278  
279  
280

281 **Notes and Tapes by:** Margo Lapietro **Date:** 08/15/11

282  
283 **Minutes Typed by:** Margo Lapietro **Date:** 08/17/11

284  
285 **Approved;** Town Council **Date:** 08/ /11