

**TOWN COUNCIL AGENDA**  
**February 1, 2016**  
**7:00 P.M.**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

- 1.) Drug Program Plan  
**Presented by a YMCA Representative**

**C. PUBLIC HEARING**

- 1.) **Ordinance #2011-08 (A)** – Review and Revisions to the Municipal Code, Title II, Chapters VI, VII and X  
**Presented by Chief Bill Hart**

**D. OLD BUSINESS**

**E. NEW BUSINESS**

- 1.) **Order #2016-06** – Expenditure of Maintenance Trust Fund  
**Presented by Steve Cotton**

**F. APPROVAL OF MINUTES**

Approval of January 18, 2016 Town Council Minutes

**G. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report
3. Board/Committee Appointments/Reappointment

**H. ADJOURNMENT**

**I. MEETING SCHEDULE**

1. Town Council Meeting – **02/22/16** Moose Hill Council Chambers, 7:00 PM
2. Town Council Meeting – **03/07/16** Moose Hill Council Chambers, 7:00 PM
3. Town Council Meeting – **03/21/16** Moose Hill Council Chambers, 7:00 PM
4. Town Council Meeting – **04/04/16** Moose Hill Council Chambers, 7:00 PM

**J. BUDGET MEETING SCHEDULE**

1. Saturday, February 6, 2016 – Town Deliberative Session  
9:00 AM
2. Tuesday, March 8, 2016 – Annual Town Meeting  
7:00 AM – 8:00 PM

**ORDINANCE #2011-08 A**  
***REVIEW AND REVISIONS TO THE MUNICIPAL CODE, TITLE II, CHAPTERS VI, VII and X***

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**Introduced: 01/18/16**  
**Second Read/Public Hearing: 02/01/16**  
**Adopted: 02/01/16**

***WHEREAS*** Section 3.7 Ordinances of the Town Charter outlines the procedure for creation and updating Town Ordinances; and,

***WHEREAS*** Chapters in Titles II have been reviewed for the following recommended updates;

***NOW THEREFORE BE IT ORDAINED*** - By the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title II – Traffic Safety Code, Chapters VI – Stopping, Standing and Parking, Chapters VII – Snow Removal, and Chapter X – Miscellaneous Provisions are amended pursuant to the attached summary.

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John Farrell, Chairman  
Town Council

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Sherry Farrell  
Town Clerk

(TOWN SEAL)

***A TRUE COPY ATTEST:***  
***02/01/2016***

**Recommended Revisions to the Municipal Code – Title II Traffic Safety Code**

VI	Stopping, Standing and Parking	<p>Section X Penalties</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Fifty dollars (<del>\$50</del>) (<b>\$150</b>) - Unauthorized parking in a parking space designated for the handicapped when free standing signs are posted</li> <li>2. Thirty dollars (<del>\$30</del>) (<b>\$75</b>) - Unauthorized parking in space designated as a fire zone or fire lane when free standing signs are posted.</li> <li>3. Twenty five dollars (\$25) - All other parking violations (except for violations of the Snow removal provisions hereinafter propounded)</li> </ol> <p>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.</p> <p>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 (<del>\$100</del>) (<b>\$250</b>).</p>
VII	Snow Removal	<p>Section II Penalty</p> <p>A. Violators will be fined twenty dollars (<del>\$20</del>) (<b>\$50</b>), and any vehicle parked in violation may be towed by the Highway Department, the Police Chief or their agents, or by an independent contractor engaged by the Highway Department or the Police Chief. Any vehicle so towed shall be stored and released to the owner only upon payment of the fine and the cost of towing as established by the Town Council.</p>
X	Miscellaneous Provisions	<p>Add new section:</p> <p align="center"><b>SECTION VI                      PENALTIES</b></p> <p><b><i>Each owner or operator of a vehicle who violates the provisions of this chapter shall be fined.</i></b></p> <p><b><i>A.        Seventy Five Dollars (\$75) for no thru trucking, obstruction of view or unlawful riding/clinging to vehicles.</i></b></p> <p><b><i>B.        Twenty five dollars (\$25) for a noise violation.</i></b></p>

**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, number plate decal, tag or card issued pursuant to 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~~) (\$150) - Unauthorized parking in a parking space designated for the handicapped when free standing signs are posted
  2. Thirty dollars (~~\$30~~) (\$75) - 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~~) (\$250).

**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.

*~~~~End of Chapter~~~~*

**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 7:30 A.M.

SECTION VI PENALTIES

***Each owner or operator of a vehicle who violates the provisions of this chapter shall be fined.***

- A. ***Seventy Five Dollars (\$75) for no thru trucking, obstruction of view or unlawful riding/clinging to vehicles.***
- B. ***Twenty five dollars (\$25) for a noise violation.***

~~~End of Chapter~~~

***Town of Londonderry, NH Adopted - May 15, 2000, Revised Ordinance 2002-05 – 4/01/02, and Revised Ordinance 2011-08 A – 1/18/16***  
***Title II - Traffic Safety Code***

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**CHAPTER VII - SNOW REMOVAL**

**SECTION I GENERAL PROVISIONS**

- A. From November 1 to April 1 of each year, no person shall park any motor vehicle on any public highway between 12:00 Midnight and 8:00 AM, or at any other time in such a manner as to impede snow removal operations.
- B. No person shall shovel, plow and in any way move or cause snow to be moved from private property to a street or sidewalk, highway or other public way, nor shall any person permit runoff from ice and snow accumulations upon their property to drain into any public way in such a fashion as to create a hazardous condition.

**SECTION II PENALTY**

- A. Violators will be fined twenty dollars (~~\$20~~) (\$50), and any vehicle parked in violation may be towed by the Highway Department, the Police Chief or their agents, or by an independent contractor engaged by the Highway Department or the Police Chief. Any vehicle so towed shall be stored and released to the owner only upon payment of the fine and the cost of towing as established by the Town Council.

*~~~~End of Chapter~~~~*

# **ORDER #2016-06**

An Order Relative to

## ***EXPENDITURE OF***

## ***MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS***

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Reading: 02/01/2016

Adopted: 02/01/2016

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

***WHEREAS*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$6,236.24 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

***NOW THEREFORE BE IT ORDERED*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$6,236.24 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

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John Farrell, Chairman  
Town Council

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Sharon Farrell  
Town Clerk

***A TRUE COPY ATTEST:***  
*02/01/2016*



**Expendable Maintenance Trust TC Order Request  
for Town Council Meeting "2/1/16"**

| Description                                                                                                                                                                                                                                                                                                                                                                                                                        | Vendor                                                                                    | Amount                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <u>Additional Outlets in Office Area - South Fire Station</u><br>With the added ALERT equipment in the Lt.'s Office it basically used up the available outlets in this area, and cause a potential overloaded branch circuit. In addition, the repair of the 6 lights in the study/training room. This EMTF request is for the labor and materials to add 2 quad outlets on a separate new circuit, and repair the 6 flood lights. | Stephen - Marquis - Invoice #20220                                                        | \$ 476.24<br>\$ 476.24                                   |
| <u>Snow/Ice Removal - Senior Center</u><br>Shoveling/Plowing/Treatment of parking lot, walkways and fire exits at the Senior Center on 1/9, 1/12, 1/13, 1/16 & 1/18/16. This EMTF request is for the labor/materials for snow & ice treatment at our Senior Center.                                                                                                                                                                | Green Magic - Invoice #1946                                                               | \$ 895.00<br>\$ 895.00                                   |
| <u>Winter Maintenance - TH/PO/Library/Cable Access</u><br>Shoveling/Plowing/Treatment of parking lots, walkways, fire lanes at TH/PO/Library/Cable Access on 1/12, 1/13, 1/14, 1/16, 1/17, 1/18 & 1/19/16. This EMTF request is for the labor/materials for snow & ice treatment at our various town buildings.                                                                                                                    | Lawn Butler - Invoice #1518<br>Lawn Butler - Invoice #1549<br>Lawn Butler - Invoice #1550 | \$ 1,915.00<br>\$ 1,190.00<br>\$ 1,760.00<br>\$ 4,865.00 |
| <b>Total Town Council EMTF Order</b>                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                           | <b>\$ 6,236.24</b>                                       |

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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1  
2 **January 18, 2016**

3  
4 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry,  
5 NH.

6  
7 Present: Chairman John Farrell; Vice Chairman Jim Butler; Councilors Tom Freda, Joe Green and Tom Dolan; Town  
8 Manager Kevin Smith; Executive Assistant Kirby Wade

9  
10 **CALL TO ORDER**

11  
12 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for all the  
13 men and women who serve us here and abroad and all first responders and the men and women who serve us here and  
14 abroad.

15  
16 **PUBLIC COMMENT**

17  
18 Councilor Dolan thanked the Councilors involved in helping come to a conclusion with a recreation issue.

19  
20 **PUBLIC HEARING**

21  
22 Motion to open Public Hearing made by Councilor Dolan and second by Councilor Freda. Chair votes 4-0-0.

23  
24 Town Manager Kevin Smith introduced the second budget public hearing for FY17. The voting on the warrant articles will  
25 be tonight. The Town Council will vote on the warrant this evening during the meeting and the budget committee will make  
26 its recommendations following the meeting. Town Manager Smith read through the articles [**see attached**].

27  
28 **Article #2 - Appropriation to Expendable Maintenance Trust Fund**

29  
30 There was no Council comment. There was no public comment.

31  
32 **Article #3 - Fiscal Year 2017 Town Operating Budget**

33  
34 There was no Council comment. There was no public comment.

35  
36 **Article #4 - Police Outside Details**

37  
38 There was no public comment.

39  
40 **Article #5 - Fund Sewer Fund**

41  
42 There was no Council comment. There was no public comment.

43  
44 **Article #6 - Recreation Commission – Court Resurfacing**

45  
46 There was on Council comment. There was no public comment.  
47

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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48 Article #7 - **Appropriation to the Roadway Maintenance ETF**

49  
50 There was no Council comment. There was no public comment.

51  
52 Article #8 - **Senior Center Improvements**

53  
54 There was no Council comment. There was no public comment.

55  
56 Article #9 - **Appropriate Funds to Capital Reserve Funds to Expand Cemeteries, to Replace Highway Heavy**  
57 **Equipment, Highway Trucks, Fire Equipment and Fire trucks, and to Maintain Geographic Information Systems**  
58 **(GIS)**

59  
60 There was no Council comment. There was no public comment.

61  
62 Article #10 - **Fund Sewer Expansion**

63  
64 Councilor Dolan stated that he thinks voter will get confused with Article #5 seeing as they are both Sewer Fund.

65  
66 Article #11 - **Appropriation of Land Use Change Taxes to the Conservation Fund and the General Fund**

67  
68 Mike Speltz, 18 Sugar Plum Lane, stated that he has a few remarks. He wants to provide some background for the Council to  
69 consider. The Land Use Change begins with a Declaration of Public Interest. Speltz stated that until 2013, one hundred percent  
70 of Londonderry's Land Use Change Tax was deposited into the Conservation Fund. The purpose of the tax is to balance and  
71 protect open space. If no more open spaces were to be developed, there would be no need to dedicate this tax to compensate  
72 development with open space. Most of the open spaces as of now are still available for development.

73  
74 Article #12 - **Transfer of Management of Tax Map 6-97-1 from Conservation Commission to Town Manager**

75  
76 There was no Council comment. There was no public comment.

77  
78 Town Manager Smith stated that there was talk about creating a warrant article regarding target shooting in the Musquash.  
79 Attorney Mike Ramsdell stated that the Town Council can do it either way because the Charter authorizes the Town Council to  
80 make recommendations with a matter like that on the warrant. Attorney Ramsdell stated that it is an Ordinance that we are  
81 talking about, not an actual matter of the Charter. It can just be done as a public hearing and not a warrant article. Chairman  
82 Farrell suggested scheduling a public hearing in the near future to talk about it with the Police Department.

83  
84 **Petition Warrant Articles**

85  
86 Town Manager Smith stated that the Town received two petition warrant articles. Two were submitted by resident Deb Paul.  
87 Two were submitted by resident Richard Belinsky. One was submitted by resident John Laferriere. All were received by the  
88 cutoff date and were verified by having the right number of registered voters. Smith stated that there were some issues with  
89 four of five of the items. Smith read in both warrant articles submitted by Belinsky. Attorney Ramsdell stated that both warrant  
90 articles were unlawful. Chairman Farrell stated that all petitioners had the opportunity to have their warrant articles reviewed  
91 by legal counsel for free. The Council discussed the legality of the various articles. Town Manager Smith stated that he  
92 informed all petitioners who's warrant articles were unlawful.

93  
94 Article #13 - **Appropriation to Establish an Addiction and Counseling Program**

95  
96 There was no Council comment. There was no public comment.

97  
98 Article #14 - **Appropriation to Establish a Family Mediation Program.**

99  
100 John Laferriere presented on this warrant article.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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104 Article #15 - Term Limits for All Non-Land Use Boards – Advisory Vote

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106 There was no Council comment. There was no public comment.

107

108 Article #16 - Transaction of Other Business

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110 There was no Council comment. There was no public comment.

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112 [See attached for votes]

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114

## **OLD BUSINESS**

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**See public hearing.**

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## **BOARD/COMMITTEE APPOINTMENTS & RESIGNATIONS**

119

120 Chairman Farrell stated that the Conservation Commission would like to make the following recommendations. To re-appoint  
121 Gene Harrington as a voting member. Appoint Roger Fillio as a voting member, who will replace Mike Considine. Re-appoint  
122 Mike Speltz as an alternate member and appoint Julie Christenson-Collins as an alternate member to replace Roger Fillio.  
123 Motion to accept the appointments and re-appointments made by Councilor Dolan and second by Councilor Green. 4-0-1.

124

125 Motion to accept the resignation of Lynn Wiles from the Londonderry Planning Board made by Councilor Green and second  
126 by Councilor Dolan. Chair votes 5-0-0.

127

128 Motion to accept the resignation of Kathy Wagner and George Herman from the Demolition Delay Committee made by  
129 Councilor Green and second by Councilor Dolan. Chair votes 5-0-0.

130

131 Motion to re-appoint Martin Srugis and Leitha Rielly to the Southern New Hampshire Planning Commission made by  
132 Councilor Dolan and second by Councilor Green. Chair votes 5-0-0.

133

134 The Council Conducted interviews for the JNC. Jay Hooley and George Brooks interviewed. The Council is waiting until the  
135 next meeting to make an appointment so that the Conservation Commission can have a chance to interview the candidates.

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137

## **NEW BUSINESS**

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139 Chairman Farrell introduced Order #2016-02, the expenditure of Maintenance Trust Fund for various projects. Presented by  
140 Steve Cotton. Motion to approve Order #2016-02 made by Councilor Dolan and second by Councilor Green. Chair votes 5-  
141 0-0.

142

143 Chairman Farrell introduced Order #2016-03, the withdrawal of funds from the Capital Equipment Capital Reserve.  
144 Presented by Finance Director Doug Smith. Motion to approve Order #2016-03 made by Councilor Dolan and second by  
145 Vice Chairman Butler. Chair votes 5-0-0.

146

147 Chairman Farrell introduced Ordinance #2011-08 (A) for the first reading. Motion to waive the first reading made by  
148 Councilor Green and second by Councilor Dolan. Chair votes 5-0-0.

149

150 Chairman Farrell introduced Order #2016-04, the expenditure of Capital Reserve Funds for Highway Trucks and Equipment.  
151 Presented by Public Works Director Janusz Czyzowski. Motion to approve Order #2016-04 made by Councilor Dolan and  
152 second by Vice Chairman Butler. Chair votes 5-0-0.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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153 Chairman Farrell introduced Order #2016-05, the expenditure of Fire Capital Reserve Funds. Presented by Fire Chief Darren  
154 O'Brien. Motion to approve Order #2016-05 made by Councilor Dolan and second by Councilor Green. Chair votes 5-0-0.

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## APPROVAL OF MINUTES

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158 Motion to approve the minutes from January 4, 2016 made by Councilor Dolan and second by Councilor Freda. Chair votes  
159 5-0-0.

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## ADJOURNMENT

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162 Motion to adjourn made by Councilor Dolan and second by Councilor Green. **Chair votes 5-0-0.**

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164 Notes and Tapes by: Kirby Wade Date: 01/18/2016

165 Minutes Typed by: Kirby Wade Date: 01/24/2016

166 Approved by: Town Council Date: 02/01/2016

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To the inhabitants of Londonderry in the County of Rockingham in the State of New Hampshire qualified to vote in Town Affairs:

Voters are hereby notified to meet at the Londonderry High School Cafeteria in Londonderry on Saturday, the sixth (6<sup>th</sup>) day of February, 2016, at nine o'clock in the morning for the Deliberative Session of the Budgetary Town Meeting.

Voters are further notified to meet at the Londonderry High School Gymnasium on Tuesday, March 8, 2016, to choose all necessary Town Officers for the ensuing year, and to act upon the proposed Fiscal Year 2017 budget, as may be amended by the Deliberative Session, together with any amendments to the Town Charter, all by official ballot, the polls to be open at seven o'clock in the morning and to close not earlier than eight o'clock in the evening.

**ARTICLE NO. 1: [ELECTION OF OFFICERS]**

To choose all necessary Town Officers for the ensuing year or until another is chosen or appointed and qualified.

**ARTICLE NO. 2: [APPROPRIATION TO EXPENDABLE MAINTENANCE TRUST FUND]**

To see if the Town will vote to raise and appropriate the sum of **TWO HUNDRED TEN THOUSAND DOLLARS (\$210,000)** to be placed in the Town's Expendable Maintenance Trust Fund with said funds to come from the June 30 Unassigned Fund Balance.

**(If passed, this article will require the Town to raise \$0 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 3: [FISCAL YEAR 2017 TOWN OPERATING BUDGET]**

Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$29,591,028? Should this article be defeated, the default budget shall be \$29,594,363, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

**(If passed, this article will require the Town to raise \$17,924,670 in property taxes, resulting in a tax rate impact of \$4.87 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 4: [POLICE OUTSIDE DETAILS]**

To see if the Town will vote to raise and appropriate **FOUR HUNDRED NINETY-FOUR THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS** (\$494,678) for the purpose of covering Police Outside Details with said funds to come from the Police Outside Detail Special Revenue Fund.

**(These services are funded through user fees and require no property tax support.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 5: [FUND SEWER FUND]**

To see if the Town will vote to raise and appropriate **SIX MILLION THREE HUNDRED SEVEN THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS** (\$6,307,524) for defraying the cost of construction, payment of the interest on any debt incurred, management, maintenance, operation and repair of constructed sewer systems. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus, all in accordance with RSA 149-I.

**(These services are funded through user fees and require no property tax support.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 6: [RECREATION COMMISSION – COURT RESURFACING]**

To see if the Town will vote to raise and appropriate **THIRTY EIGHT THOUSAND (\$38,000)** for the purpose of resurfacing the Town's basketball and tennis courts located on Nelson Road, with said funds to come from the June 30 Unassigned Fund Balance.

**(If passed, this article will require the Town to raise \$0 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 7: [APPROPRIATE TO THE ROADWAY MAINTENANCE ETF]**

To see if the Town will vote to raise and appropriate the sum of **SIX HUNDRED FIFTY THOUSAND DOLLARS** (\$650,000) to be placed in the Roadway Maintenance Expendable Trust Fund with said funds to come from the June 30 Unassigned Fund Balance.

**(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 8: [SENIOR CENTER IMPROVEMENTS]**

To see if the Town will vote to raise and appropriate the sum of **THREE HUNDRED FIFTY THOUSAND DOLLARS** (\$350,000) for improvements to the Londonderry Senior Center with said funds to come from the June 30 Unassigned Fund Balance.

**(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 9: [APPROPRIATE FUNDS TO CAPITAL RESERVE FUNDS TO EXPAND CEMETERIES, TO REPLACE HIGHWAY HEAVY EQUIPMENT, HIGHWAY TRUCKS, FIRE EQUIPMENT AND FIRE TRUCKS, AND TO MAINTAIN GEOGRAPHIC INFORMATION SYSTEMS (GIS)]**

To see if the Town will vote to raise and appropriate **SEVEN HUNDRED TWENTY-FOUR THOUSAND** (\$724,000) to be placed accordingly in the following capital reserve funds, with said funds to come from the June 30 Unassigned Fund Balance: Highway Trucks \$ 50,000, Highway Heavy Equipment \$30,000, Fire Equipment \$149,000, Fire Trucks \$380,000, Pillsbury Cemetery Expansion \$75,000, GIS \$40,000. TOTAL APPROPRIATION \$ 724,000.

**(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*



**ARTICLE NO. 10 [FUND SEWER EXPANSION]**

To see if the Town will vote to raise and appropriate **THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000)** for the specific purpose of expanding the Route 102 sewer system along the commercial district from the area of Home Depot to the intersection with Mammoth Road with said funds to come from the June 30 Unassigned Fund Balance.

**(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 11: [APPROPRIATION OF LAND USE CHANGE TAXES TO THE CONSERVATION FUND AND THE GENERAL FUND]**

To see if the Town will vote, pursuant to the provisions of RSA 79-A:25 IV, to place annually not more than **ONE HUNDRED THOUSAND (\$100,000)** from the Land Use Change Tax in the Conservation Fund, with the balance to be placed in the General Fund; currently, the first **One-Hundred Thousand (\$100,000)** from the Land Use Change Tax and Forty percent (**40%**) of the remainder of the revenues received from the Land Use Change Tax are placed in the Conservation Fund. The change shall be effective April 1, 2016.

**(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 3-2 recommends a NO vote.*

**ARTICLE NO. 12: [TRANSFER OF MANAGEMENT OF TAX MAP 6-97-1 FROM CONSERVATION COMMISSION TO TOWN MANAGER]**

To see if the Town will vote to authorize the transfer of all supervision, management duties and responsibilities of the land surrounding the Town Common and fronting on Mammoth Road and Pillsbury Road, **Tax Map 6-97-1**, which is sometimes referred to as the "Town Forest," from the Conservation Commission to the Town Manager, with the advice and recommendations from the Historic District/Heritage Commission, Conservation Commission and Town Council.

**(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 13: [APPROPRIATION TO ESTABLISH AN ADDICTION AND COUNSELING PROGRAM]**

To see if the Town will vote to raise and appropriate the sum of **FIFTY THOUSAND DOLLARS (\$50,000)** to establish an addiction and counseling program for families in need with said funds to come from the June 30 Unassigned Fund Balance.

**(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a YES vote; the Budget Committee by a vote of 5-0 recommends a YES vote.*

**ARTICLE NO. 14: [APPROPRIATION TO ESTABLISH A FAMILY MEDIATION PROGRAM]**

To see if the Town of Londonderry will vote to raise and appropriate the sum of **FIFTY THOUSAND DOLLARS (\$50,000)** and re-establish the family mediation program for Londonderry families in need. Also, establish a special revenue fund to allow and accept any and all gifts, donations and grants to support the Family Mediation Program. If approved; such funds shall be incorporated in the annual default budget calculation and only a vote at Town Meeting can defund the program. **(BY CITIZENS PETITION)**

**(If passed, this article will require the Town to raise \$50,000.00 in property taxes, resulting in a tax rate impact of \$0.01 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 5-0 recommends a NO vote; the Budget Committee by a vote of 5-0 recommends a NO vote.*

**ARTICLE NO. 15: [TERM LIMITS FOR ALL NON-LAND USE BOARDS – ADVISORY VOTE]**

To see if the voters will recommend to the Town Council to propose an amendment to the Town Charter to set term-limits on appointments to all non-land use boards. This question shall be non-binding on the Town Council. **(BY CITIZENS PETITION)**

**(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 17 based upon projected assessed values.)**

*The Town Council by a vote of 4-1 recommends a NO vote; the Budget Committee did not vote on this item as it is non-monetary.*


**ARTICLE NO. 16: [TRANSACTION OF OTHER BUSINESS]**

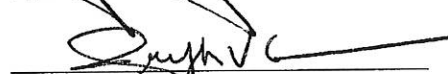
To transact any other business that may legally come before this meeting. No business enacted under this article shall have any binding effect upon the Town.

Given under our hands and seal, this twenty-second day of January, in the year of our Lord, Two Thousand and sixteen.

**TOWN COUNCIL  
LONDONDERRY, NEW HAMPSHIRE**

  
\_\_\_\_\_  
John Farrell - Chairman

  
\_\_\_\_\_  
James Butler - Chairman

  
\_\_\_\_\_  
Joseph V. Green - Councilor

  
\_\_\_\_\_  
Tom Freda - Councilor

  
\_\_\_\_\_  
Tom Dolan - Councilor

I hereby certify that notice was given to the inhabitants of the Town of Londonderry to meet for the 2016 Town Meeting at the time and place indicated in this Warrant, by posting an attested copy of this document on January 22, 2016 at the Londonderry High School Gymnasium and Cafeteria, the place of meeting, and at the Town Hall, School District Office and Leach Public Library.

  
\_\_\_\_\_  
Kevin H. Smith  
Town Manager