

TOWN COUNCIL AGENDA
January 9, 2017
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. **Introduction of Assistant Town Manager / Personnel Director**
 - 2. **CART Presentation**
- C. **PUBLIC HEARING**
 - 1. **Bond Hearing**
- D. **OLD BUSINESS**
 - 1. **Budget Workshop**
- E. **NEW BUSINESS**
 - 1. **Order #2017-01 – An Order Relative to Impact Fee Refunds
Presented by Doug Smith**
 - 2. **Order #2017-02 – An Order Relative to the Expenditure of
Maintenance Trust Fund
Presented by Steve Cotton**
 - 3. **Ordinance #2017-01 – An Amendment to the Municipal Code
Title IV, Public Health, Safety and Welfare, Chapter VIII, Animal
Control (1st Reading)
Presented by Kevin Smith**
 - 4. **Ordinance #2017-02 – An Ordinance Relative to an Amendment
to the Municipal Code, Title I, Chapter XXVII, Civil Marriage
Ceremonies (1st Reading)
Presented by Kevin Smith**
- F. **APPROVAL OF MINUTES**
 - 1. **Approval of December 19, 2016 Town Council Minutes**

G. OTHER BUSINESS

- A.) Liaison Reports
- B.) Town Manager Report

H. ADJOURNMENT

I. MEETING SCHEDULE

- Town Council Meeting – 01/16/17 Moose Hill Council Chambers, 7:00 PM
- Town Council Meeting – 02/06/17 Moose Hill Council Chambers, 7:00 PM
- Town Council Meeting – 02/20/17 Moose Hill Council Chambers, 7:00 PM
- Town Council Meeting – 03/06/17 Moose Hill Council Chambers, 7:00 PM

J. BUDGET SCHEDULE

- Deadline for Petition Warrant Article – 01/10/2017
- Budget Public Hearing – 01/16/2017 Moose Hill Council Chambers, 7:00 PM
- Deliberative Session – 02/11/2017 – Londonderry High School Cafeteria, 9:00 AM
- Annual Town Meeting – 03/14/2017 – Londonderry High School Gym, 7 AM – 8 PM

ORDER 2017-1

An order relative to
Expired Impact Fee Refunds

First Reading: 01/09/17
Second Reading: Waived
Adopted: 01/09/17

WHEREAS the Town of Londonderry by adoption of Zoning Article No. 110 at the Annual Town Meeting on March 10, 1994, added Section X - Impact Fees to the Zoning Ordinance (since revised to Section 1.2 and amended by Ordinance #2013-06) which provides for the assessment, collection, and administration of Impact Fees; and

WHEREAS the Zoning Ordinance allows the Town Council to issue orders to the Town Treasurer for the expenditure and/or refund of such impact fees collected; and

WHEREAS the Ordinance further provides by Section 1.2.9 that impact fees not encumbered or legally bound to be spent for the purpose for which they were collected within a period of six (6) years from the date of the final payment of the fee be refunded; and

WHEREAS impact fees collected through the period ended 12/31/2010 which have not been encumbered or legally bound to be spent in accordance with the Ordinance and will expire on 12/31/2016, and there being no plans to encumber or spend such funds as of 12/31/2016; and

WHEREAS the Director of Finance recommends that expired impact fee refunds be issued in the amount of \$17,726.04 plus accrued interest of \$36.25, for a total disbursement of \$17,762.29;

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed to disburse \$17,762.29 as detailed on the attached spreadsheet of expired impact fees.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
01/09/2017

Town of Londonderry
 Impact Fee Expiration Summary
 Period Ended December 31, 2016

Date	Fee Payer	Map / Lot #	Owner / Payer Agreement	Current Owner	Various Roads	Offsite Improvements	Rte 28 East	Fee Category Rte 102 Upper	Rte 102 Central	Rte 102 Lower	Fire	Interest	Total					
Expired Fees: Collection Period of July 1 - December 31, 2010																		
07/06/10	Reeds Ferry	2-34								\$ 10,992.00	2,613.37	28.81	\$ 13,634.18					
07/06/10	Taschereau	2-49-14								\$ 870.20	353.00	2.59	\$ 1,225.79					
09/01/10	Tate, William	2-28-10									282.00	0.53	\$ 282.53					
11/01/10	CMC Enterprises	1-71-21								\$ 508.89	353.00	1.42	\$ 863.31					
11/12/10	RE Development @ Woodmont LLC	10-13C-4						\$ 1,047.58			353.00	2.32	\$ 1,402.90					
11/19/10	Pike, Jeffrey & Catherine	2-49-9									353.00	0.58	\$ 353.58					
											\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
											\$ 1,047.58	\$ 4,307.37	\$ 36.25	\$ 17,762.29				

If your name/company name appears on this list in the "fee payer" column please contact the Londonderry Finance Department at 603-432-1100, ext. 143 to verify your contact information!! Refunds checks are expected to be issued the week of January 13, 2017.

Town of Londonderry
 Impact Fee Expiration Summary
 Period Ended December 31, 2016

Date	Fee Payer	Map / Lot #	Owner / Payer Agreement	Current Owner	Various Roads	Offsite Improvements	Rte 28 East	Fee Category Rte 102 Upper	Rte 102 Central	Rte 102 Lower	Fire	Interest	Total
Expiring Fees: Collection Period of January 1 - June 30, 2011													
01/13/11	Flanders, Rita	5-46-4									353.00		\$ 353.00
02/08/11	Gagnon, Jean	11-1-0									353.00		\$ 353.00
02/15/11	Elliot Health Systems	6-73									6,697.08		\$ 6,697.08
03/16/11	Kake Preserve, LLC	14-29-10									2,736.00		\$ 2,736.00
04/22/11	Bosch Thermotechnology	14-44-33									1,375.60		\$ 1,375.60
05/11/11	JVL Construction	6-15-5									353.00		\$ 353.00
06/24/11	White, Bill & Gladys	17-30									353.00		\$ 353.00
06/27/11	Cotsibas, Pandora	7-79									353.00		\$ 353.00
													\$ -
													\$ -
													\$ -
													\$ -
													\$ -
													\$ -
Total Expiring Fees: Collection Period of January 1 - June 30, 2011													\$ 12,573.68

The above list contains impact fees that will expire on June 30, 2017. Further information will be made available in July, 2017 regarding the disbursement of these funds.

**Town of Londonderry
12 Month Impact Fee Activity Summary
Period Ended May 31, 2016**

Date	Description	School	Recreation	Library	Police	Various Roads	Offsite Imp	Rte 28 West	Rte 28 East	Rte 102 Upper	Rte 102 Central	Rte 102 Lower	West Fire	Fire	Total
12/31/2015	Balance Forward	117,429.39	96,777.74	3,498.97	22,544.92	2,368.85	1,836.78	1,043.38	-	-	22,924.02	-	-	12,887.31	281,311.16
	Impact Fee Additions:														
	January, 2016 Interest	0.99	0.82	0.03	0.19	0.02	0.02	0.01			0.14			0.11	2.33
	February, 2016 Interest	0.93	0.77	0.03	0.18	0.02	0.01	0.01			0.13			0.10	2.18
	March, 2016 Interest	0.99	0.82	0.03	0.19	0.02	0.02	0.01			0.14			0.11	2.33
	April, 2016 Interest	0.58	0.79	0.03	0.18	0.02	0.02	0.01			0.13			0.11	1.87
	May, 2016 Interest		0.82	0.03	0.19	0.02	0.02	0.01			0.14			0.11	1.34
	June, 2016 Interest	0.01	0.79	0.03	0.18	0.02	0.02	0.01			0.13			0.11	1.30
	July, 2016 Interest		0.82	0.03	0.19	0.02	0.02	0.01			0.14			0.11	1.34
	August, 2016 Interest	0.01	0.61	0.03	0.19	0.02	0.02	0.01			0.14			0.11	1.14
	September, 2016 Interest		0.08	0.03	0.18	0.02	0.02	0.01			0.13			0.11	0.58
	October, 2016 Interest	0.01	0.01	0.03	0.19	0.02	0.02	0.01			0.14			0.11	0.54
	November, 2016 Interest		0.01	0.03	0.18	0.02	0.02	0.01			0.13			0.11	0.51
	December, 2016 Interest	0.01	0.01	0.03	0.19	0.02	0.02	0.01			0.14			0.11	0.54
	Total Impact Fee Additions:	3.53	6.35	0.36	2.23	0.24	0.23	0.12	-	-	1.63	-	-	1.31	16.00
	Impact Fee Deductions:														
	January, 2016 Expired Impact Fees-C/Order #2015-35														6,584.61
	April, 2016 School Impact Fees-C/O #2016-14	117,000.00									6,584.61				117,000.00
	August, 2016 West Road Field Light Project C/O #2016-30		50,140.00												50,140.00
	September, 2016 West Road Field Light Project C/O #2016-30		45,860.00												45,860.00
	Total Impact Fee Deductions:	117,000.00	96,000.00	-	-	-	-	-	-	-	6,584.61	-	-	-	219,584.61
12/31/2016	Ending Balance	432.92	784.09	3,499.33	22,547.15	2,368.89	1,837.01	1,043.50	-	-	16,341.04	-	-	12,888.62	61,742.55

ORDER #2017-02

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 01/09/2017

Adopted: 01/09/2017

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 \$8,116.89 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 \$8,116.89 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

John Farrell, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:

01/09/2017

Stephen R. Cotton

From: Stephen R. Cotton
Sent: Tuesday, January 03, 2017 10:33 AM
To: Kevin Smith; Kirby Wade
Cc: Stephen R. Cotton
Subject: EMTF for 1/9/17 TC Meeting

Kevin/Kirby, please add the following EMTF items to the 1/9/17 TC Agenda. Steve

Expendable Maintenance Trust TC Order Request for Town Council Meeting "1/9/17"

Description	Vendor	Amount
Winter Maintenance - TH/PD/Library/Cable Access Shoveling/Plowing/Treatment of parking lots, walkways, fire lanes at TH/PD/Library/Cable Access on 12/12, 12/17, 12/18, 12/22, 12/24/16. This EMTF request is for the labor/materials for snow & ice treatment at our various town buildings.	Lawn Butler - Invoice # 1141	\$ 4,125.00 \$ 4,125.00
Winter Maintenance - Senior Center Shoveling/Plowing/Treatment of parking lot, and walkways, at the Senior Center on 12/05, 12/12, 12/17, 12/29, 12/30/16. This EMTF request is for the labor/materials for snow & ice treatment at our Senior Center.	Green Magic - Invoice # 2283	\$ 2,160.00 \$ 2,160.00
Light Fixture Repairs - Central Fire Central Fire had a total of 5 exterior light fixtures that need bulb/ballast replacement. This EMTF request is for the replacement of these fixtures to LED (labor and materials) on the exterior of Central Fire.	Stephens - Marquis - Invoice # 22117	\$ 971.89 \$ 971.89
Light Fixture Repairs - North Fire The lights fixtures in the apparatus bay at North Fire needed replacement of ballast/bulbs. This EMTF request is for the labor/materials to remove the ballasts, rewire the fixture to accept 120V LED tubes, and install qty. of 56 4" LED tubes.	Stephens - Marquis - Invoice # 21898	\$ 860.00 \$ 860.00
Total Town Council EMTF Order		\$ 8,116.89

Steve R. Cotton
Town of Londonderry
Administrative Support Coordinator
268B Mammoth Road
Londonderry, NH 03053
603-432-1100 x119
FAX (603) 432-1128

First Reading: 01/09/17
Second Reading/Public Hearing: 02/06/17
Adopted: 02/06/17

ORDINANCE #2017-01
AN AMENDMENT TO THE MUNICIPAL CODE
TITLE IV, PUBLIC HEALTH, SAFETY AND
WELFARE, CHAPTER VIII, ANIMAL CONTROL

WHEREAS the Town of Londonderry is looking to increase its dog registration fee by one dollar (\$1); and

WHEREAS per NH RSA 466:1, the State of New Hampshire requires that every owner or keeper of a dog four (4) months old or over shall annually have it registered, numbered, described, and licensed for one year,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that Title IV, Chapter VIII of the Town Municipal Code be amended to reflect the changes made to the license fee when registering a dog.

John Farrell - Chairman
Town Council

Sharon Farrell - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
02/06/2017

CHAPTER VIII - ANIMAL CONTROL

SECTION I DEFINITIONS

- A. "Dog" shall mean both male and female, altered or not.
- B. "Owner" shall mean any person owning, keeping, harboring, or assuming the care of a dog.
- C. "Running at Large" is defined as a dog in, on, or being walked upon, a public street, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, or in a public street, sidewalk or right-of-way adjacent to a public place and is not secured by a leash or chain or within a carrier which is in the possession of a person of sufficient strength and age to effectively restrain the dog or under the direct control of its handler by means of personal presence and attention as will reasonably control the conduct of such dog.
- D. Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, cemetery, parkway, trail-way or other public place in the Town of Londonderry, if the dog is securely confined in an vehicle or is under the direct control of its handler. Evidence that the dog accosted, jumped on or otherwise bothered a person not its owner or handler shall be evidence that the dog was not under the direct control of its owner.
- E. "Service dog" is a type of assistance dog specifically trained to help people who have disabilities, such as visual impairment, hearing impairments, mental illnesses (such as but not limited to posttraumatic stress disorder (PTSD)), seizure disorders, mobility impairment, and diabetes.
- F. However in no case shall any dog be un-leashed on the Londonderry Rail-Trial or on the Londonderry Town Common, included the forested area adjacent to the Town Common and commonly referred to as the Town Forest.

SECTION II LICENSING AND REGISTRATION

- A. Per RSA 466:1, the State of New Hampshire requires that every owner or keeper of a dog 4 months old or over shall annually cause it to be registered, numbered, described, and licensed for one year in the office of the clerk of the city or town in which the dog is kept, and shall cause it to wear around its neck a collar to which shall be attached a metal tag with the following information thereon: the name of

the city or town, year of issue of license and its registered number.

- a.) Per RSA 466:4, the fee for every license for a year or portion of a year shall be:
- (1) \$10.00 for unneutered male or unsprayed female dogs 7 months or older.
 - (2) \$7.50 for unneutered male or unsprayed female dogs at least 4 months old but less than 7 months old
 - (3) \$7.50 for neutered male or spayed female dogs 7 months old or older.
 - (4) \$2.00 for Senior Citizens 65 or older for their first dog only. Any additional dogs shall comply with the standard fee.
 - (5) \$3.00 charge for replacement tags given to dogs 4 months or older.
 - (6) All dogs must have proof of current rabies vaccination and proof of neutering or spraying per State RSA 466:1-a and 466:1-b.

B. All dogs kept, harbored or maintained by their owners in the Town shall be licensed and registered as specified in RSA 466 and as it may be amended, of the State of New Hampshire.

C. Any person found to be keeping, harboring or maintaining an unlicensed dog shall be required to license the dog at the office of the Town Clerk within ten (10) days of notice and at the time of registration, pay to the Town an additional fee of ten dollars (\$10).

D. Failure to register the dog and pay the fee shall require the person to be summonsed to court for the violation of RSA 466 and to receive the punishment thereof.

SECTION III RUNNING AT LARGE

A. The Town Council shall provide for the enforcement of RSA 466 and take such steps as they may deem necessary to ensure compliance with its provisions by residents of the Town.

B. In accordance with the provisions of RSA 466:30-A, it shall be unlawful for an owner of any dog licensed or unlicensed to permit the dog to run at large, except when accompanied by the owner or custodian and/or when used for hunting, herding, supervised competition and exhibition or training for such.

C. With the exception of service dogs or if the dog is securely confined in a vehicle, no dogs shall be permitted within the confines of any cemetery owned and managed by the Town of Londonderry.

SECTION IV DOG FOULING PROHIBITION

It shall be unlawful for any person owning, possessing, or controlling a dog on street, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, any public street, sidewalk or right-of-way adjacent to a public place, or on any private property neither owned nor occupied by said person to fail to remove and dispose of any feces left by the dog in or on such public or private property.

SECTION V NOISE REGULATION

It shall be unlawful to keep any dog that barks for sustained periods of time, or during the night so as to disturb the peace and quiet of the neighborhood or area.

SECTION VI ENFORCEMENT

The Londonderry Animal Control Officer and/or the Londonderry Police Department may seize, impound or restrain any dog running at large and deliver said dog to an authorized boarding shelter for dogs. Such dogs shall be handled pursuant to applicable laws.

SECTION VII IMPOUNDING

It shall be the duty of the Animal Control Officer to apprehend any dog found running at large, as defined or running at large without a collar and valid license tag. Any injury or death of the animal caused in the effort of its apprehension shall be the responsibility of the owner and no liability shall be found with the Animal Control Officer or his assistants. The Animal Control Officer shall have the responsibility to investigate violations of Section IV and Section V of this Chapter and take action consistent with this Chapter.

SECTION VIII METHOD OF CONFINEMENT

The Town Council, with the assistance and cooperation of the Animal Control Officer, shall select a suitable place of confinement for impounded dogs. A suitable place of confinement shall include good food and care.

SECTION IX NOTICE TO OWNERS, REDEMPTION

- A. If the dog has upon it the name or address of the owner or such name or address is otherwise known or obtainable, then the Police Department or the Animal Control Officer shall notify the owner within twenty four (24) hours after seizure of the dog.

- B. Notice of impoundment shall be in writing by registered mail, postage prepaid, and shall be construed as having been given at the time of posting thereof.
- C. If the dog impounded does not have the name or address of the owner, and if the owner is not otherwise known, then no notice shall be necessary.
- D. The owner of any dog so impounded may reclaim the dog upon payment of the sum of up to thirty dollars (\$30) for the first twenty four hour (24 hr) period or any part thereof that the dog is held and up to thirty dollars (\$30) for each twenty four hour (24 hr) period or any part thereof that the dog is held thereafter; provided, however, that before release to any person, if the dog is not licensed, a license as required by the Town shall be secured. Any and all reasonable ancillary costs associated with boarding and maintaining the animal's health, including but not limited to all veterinary expenses, shall be the sole responsibility of the pet owner.

SECTION X FEES

The sum collected pursuant to the provisions of the Ordinance shall be accounted for and paid over to the Londonderry Town Clerk.

SECTION XI DISPOSITION OF UNCLAIMED DOGS

- A. Any properly collared and tagged dog which has been impounded and has not been redeemed by the owner shall be turned over to the nearest Animal Rescue League provided that any such dog shall be held for at least ten (10) days after impounding.
- B. In those cases where it is required that notice be given the owner, the ten (10) days shall commence from the date the owner is notified.
- C. In the event the Animal Rescue League is unwilling or unable to accept custody of the dog, the dog shall be disposed of as directed by the Town Manager.
- D. Any uncollared, untagged dog whose owner cannot be identified shall be held for a minimum of ten (10) days and after such time, if the owner cannot be determined, the dog shall be disposed of in the manner prescribed by the Town Manager.

SECTION XII DOG OFFICER APPOINTED

- A. The Town Manager shall appoint an Animal Control Officer and shall determine

the amount of his pay.

- B. The Officer shall be selected from candidates having knowledge of animals and their care.
- C. It shall be the duty of the Animal Control Officer to enforce the provisions of this Ordinance and perform such other duties in respect thereto as the Town Manager shall determine.

SECTION XIII - VIOLATION AND PENALTIES

A person who violates any provision of this Chapter shall be guilty of a violation. In addition to impounding a dog found at large the Londonderry Animal Control officer and/or Londonderry Police Department may issue in the name of the owner, possessor, controller, or keeper of such dog a notice of violation of any portion of this Chapter. Such notice shall impose upon the owner, possessor, controller, or keeper of such a dog a penalty which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer or other person authorized by the town to the owner or keeper of a dog in violation this Chapter. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty.

The forfeiture shall be in the amount as specified for the following violations:

- A. \$25 for the first offense;
- B. \$100 for the second offense committed within twelve months (12) months of the first offense;
- C. \$400 for third vicious offense committed within twelve months (12) of the first offense;

Any other offense shall be punishable by a fine of up to one thousand dollars (\$1000.00)

Any person who pays a civil forfeiture specified above in any 12-month period according to the records of the town or city clerk, may not pay a civil forfeiture for fourth or subsequent violations of RSA 466:31 in that 12-month period, but shall have those cases disposed of in district or municipal court.

In the event that such penalty is not paid to the Londonderry Town Clerk within the time limitation specified, a summons shall be issued for appearance in Derry District Court, and any person found guilty of violating the provisions of this section shall be guilty of a violation.

Introduced: 01/09/2017
Public Hearing: 02/06/2017
Adopted: 02/06/2017

ORDINANCE 2017-02
AN ORDINANCE RELATIVE TO AN AMENDMENT TO THE MUNICIPAL CODE, TITLE I, CHAPTER XXVII, CIVL MARRIAGE CEREMONIES

WHEREAS the Town of Londonderry provides civil marriage ceremonies; and

WHEREAS the Town wishes to increase the fee it charges for said ceremonies from fifty dollars (\$50) to seventy-five dollars (\$75), which is necessary to offset the costs associated with providing this service,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Title I, Chapter XXVII of the Municipal Code is hereby amended.

John Farrell - Chairman
Town Council

Sharon Farrell

Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
02/06/2017

Chapter XXVII – CIVIL MARRIAGE CEREMONIES

SECTION I PROVIDE CIVIL MARRIAGE CEREMONIES

The Town of Londonderry provides civil marriage ceremonies.

SECTION II COST OF CIVIL MARRIAGE CEREMONIES SERVICES

The Town of Londonderry charges a fee of seventy-five dollars (\$75) for said services, which are necessary to offset the cost of providing said service.

~ End of Chapter ~