

TOWN COUNCIL AGENDA
April 17, 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

- Recognition of Telecommunications Operators by FD/PD
- Project Update by Eversource

C. PUBLIC HEARING

Ordinance #2016-07A – An Amendment to Ordinance 2016-07 Relative to a Restriction on Outside Water Use.

Presented by: Lisa Drabik

D. OLD BUSINESS

E. NEW BUSINESS

1. **Order #2017-13** – An Order Relative to the Expenditure of Maintenance Trust Funds for Various Projects.
Presented by: Steve Cotton
2. **Order #2017-11** – An Order Relative to the Withdrawal from the Fire Truck Capital Reserve.
Presented by: Doug Smith
3. **Order #2017-12** – An Order Relative to the Withdrawal from the Fire Truck Capital Reserve.
Presented by: Doug Smith
4. **Town Finances Update Presented by: Doug Smith**

F. APPROVAL OF MINUTES

Approval of April 3, 2017 Town Council Minutes

G. OTHER BUSINESS

1. Liaisons Report
2. Town Manager's Report

H. MEETING SCHEDULE

Town Council Meeting – 05/01/17 Moose Hill Council Chambers, 7:00 PM

Town Council Meeting – 05/15/17 Moose Hill Council Chambers, 7:00 PM

Town Council Meeting – 06/05/17 Moose Hill Council Chambers, 7:00 PM

Town Council Meeting – 06/19/17 Moose Hill Council Chambers, 7:00 PM

ORDINANCE 2016-07A

Amendment to Restriction on Outside Water Use

First Reading: 04/03/17

Second Reading/Public Hearing: 04/17/2017

Adopted: _____

WHEREAS on October 3, 2016, the Town of Londonderry, by and through the Londonderry Town Council, adopted Ordinance 2016-07, an Ordinance Relative to a Restriction on Outside Water Use, in response to the severe and extreme drought conditions and the impacts therefrom facing the residents of Londonderry, thereby imposing a mandatory ban on the watering of all residential lawns in Londonderry in accordance with RSA 41:11-d; resting enforcement of said ban with the Town of Londonderry Police Department and granting any sworn officer therein the authority to initiate any enforcement action against any violator of said ban; imposing certain penalties for violation of said ban pursuant to RSA 651:2 as follows: (1) verbal or written warning for a first violation, (2) \$250 fine for a second violation, and (3) \$500 fine for each succeeding violation; and further encouraging that all non-residential property owners in Londonderry voluntarily abide by the same watering ban;

WHEREAS since the imposition of said watering ban pursuant to Ordinance 2016-07, Town of Londonderry Town Manager Kevin Smith has been monitoring the drought conditions via communication with the New Hampshire Department of Environmental Services (“NHDES”);

WHEREAS as of Thursday, March 30, 2017, the US Drought Monitor Center has classified the Town of Londonderry as a municipality suffering from “Severe” drought conditions, a downgrade from the “Extreme” conditions that existed last fall;

WHEREAS RSA 41:11 allows municipalities through their governing body to establish restrictions on the use of water from private wells or public water systems for residential outdoor lawn watering when a drought condition has been declared; and

WHEREAS Portions of Londonderry are already under some restrictions as put in place by the public water supply companies.

NOW THEREFORE, the Town of Londonderry, by and through the Londonderry Town Council, **hereby amends** the water ban as adopted in Ordinance 2016-07 and **ordains** that, in response to the improved but still severe drought conditions and the impacts therefrom facing the residents of Londonderry, effective _____, Ordinance 2016-07 shall be replaced by Ordinance 2016-07A; and that this amended Ordinance 2016-07A shall impose a mandatory restriction on the watering of all residential lawns as follows and in accordance with RSA 41:11-d: **Residents with house number addresses ending in an ODD number (1, 3, 5, 7 or 9) shall only be permitted to water their lawns on Mondays, Wednesdays, Fridays, and Sundays; and Residents with house number addresses ending in an EVEN number (0, 2, 4, 6 or 8) shall only be permitted to water their lawns on Tuesdays, Thursdays, Saturdays and Sundays.** Enforcement of this restriction shall be completed by any sworn officer of the Town of Londonderry Police Department, which is hereby granted the authority to initiate any enforcement action against any violator of this restriction. Any person failing to comply with the restriction shall be deemed in violation and subject to the following penalties pursuant to RSA 651:2: (1) a first violation shall result in a warning; (2) a second violation shall result in a \$250 fine; and (3) each succeeding violation shall result in a \$500 fine. Furthermore, it is encouraged that all

non-residential property owners in Londonderry voluntarily abide by the same restriction.

Tom Dolan, Chairman
Londonderry Town Council

(TOWN SEAL)

Sherry Farrell
Town Clerk

A TRUE COPY ATTEST:

TOWN OF LONDONDERRY RESTRICTED WATER USE ORDINANCE

I. PURPOSE

To protect public health and safety by restricting the use of water from private wells or public water systems for residential outdoor lawn watering during a state or federally declared drought.

II. AUTHORITY

This regulation is adopted pursuant to the provisions of RSA 41:11-d, which authorizes the local governing body to establish regulations restricting the use of water from private wells.

III. APPLICABILITY

The requirements of this section shall apply immediately after the public notice period described in Section VII to all residential outdoor lawn watering within the Town of Londonderry when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

IV. DEFINITIONS

A. Drought: A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are used by the Town of Londonderry to determine the declaration of a drought condition:

- i. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan
- ii. State of Emergency declaration by the Governor's Office
- iii. United States Drought Monitor

B. Residential Lawn Watering: The application of water to decorative grass at a property that has a primary use to provide living accommodations for people.

V. REQUIREMENTS UNDER DROUGHT CONDITIONS

The following limits to residential lawn watering shall apply under drought conditions as determined by the Londonderry Town Council, and will be included in the public notice required under Section

VII of this regulation. Such restriction shall remain in effect until terminated as provided in Section VIII.

AS OF _____ THE TOWN COUNCIL HEREBY IMPLIMENTS THE FOLLOWING RESIDENTIAL WATER USE RESTRICTION:

Residents with house number addresses ending in an ODD number (1, 3, 5, 7 or 9) shall only be permitted to water their lawns on Mondays, Wednesdays, Fridays, and Sundays.

Residents with house number addresses ending in an EVEN number (0, 2, 4, 6, or 8) shall only be permitted to water their lawns on Tuesdays, Thursdays, Saturdays and Sundays.

VI. PUBLIC NOTIFICATION OF WATER USE RESTRICTION

Notification of any intention to restrict water use and the requirements associated with Section V shall be given at least three calendar days before implementation. Notice of the regulations shall be posted in a paper of general circulation and shall be posted in at least two public places.

VII. TERMINATION OF WATER USE RESTRICTION

Public notification and termination of water use restriction shall be given in accordance with Section VI.

VIII. ENFORCEMENT

Any sworn officer of the Town of Londonderry Police Department is hereby granted the authority to initiate any enforcement action against any violation of the provisions of this Ordinance.

IX. PENALTIES

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed a violation and subject to penalties pursuant to RSA 651:2:

First violation: Warning

Second violation: \$250

Third and succeeding violations: \$500

ORDER #2017-13

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 04/17/2017

Adopted: 04/17/2017

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 \$3,170.00 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 \$3,170.00 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

Tom Dolan, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:
04/17/2017

**Expendable Maintenance Trust TC Order Request
for Town Council Meeting "4/17/17"**

Description	Vendor	Amount
<u>Winter Maintenance - TH/DP/Library/Cable Access</u>	Lawn Butler - Invoice # 1279	\$ 1,675.00
Shoveling/Plowing/Treatment of parking lots, walkways, fire lanes at TH/DP/Library/Cable Access on Invoice #1279 on 4/1/17, and Invoice #1280 on 4/2/17. This EMTF request is for the labor/materials for snow & ice treatment at our various town buildings.	Lawn Butler - Invoice # 1280	\$ 1,045.00
		\$ 2,720.00
<u>Winter Maintenance - Senior Center</u>	Green Magic - Invoice # 2347	\$ 450.00
Shoveling/Plowing/Treatment of parking lot, and walkways, at the Senior Center on 4/1/17. This EMTF request is for the labor/materials for snow & ice treatment at our Senior Center.		\$ 450.00
<i>Total Town Council EMTF Order</i>		\$ 3,170.00

The Lawn Butler LLC
51 Harvey Rd. Unit 6
Londonderry, NH 03053
(603)235-0208
nhlawnbutler@gmail.com

Invoice



BILL TO
Stephen Cotton
Town of Londonderry
268B Mammoth Rd.
Londonderry, NH 03053

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
1280	04/10/2017	\$1,045.00	04/10/2017	Due on receipt	

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
Commercial:SHOVEL WALKWAYS AND ICE MELT LEACH LIBRARY	3	75.00	225.00
SHOVEL WALKWAYS AND ICE MELT LEACH LIBRARY			
Commercial:SHOVEL WALKWAYS AND ICE MELT TOWN HALL/PD	4	205.00	820.00
SHOVEL WALKWAYS AND ICE MELT TOWN HALL/PD			
		BALANCE DUE	\$1,045.00

Invoice

Green Magic Landscaping &

12 Adams Pond Rd
Derry NH 03038



Date	Invoice #
4/4/2017	2347

Bill To
Town of Londonderry NH 268B Mammoth Road Londonderry, NH 03053

P.O. No.	Terms	Project
	Due on receipt	

Description	Qty	Rate	Amount
Snow plowing @ the senior center on 4/1/17	1	190.00	190.00
Snow shoveling @ the senior center 4/1/17	1	80.00	80.00
Salt application @ the senior center on 3/26/17 and 4/1/17	2	90.00	180.00

Thank you for your business	Total	\$450.00
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Phone #	Fax #	E-mail	Payments/Credits	\$0.00
6035379242	6039653948	greenmagicllc@yahoo.com	Balance Due	\$450.00

The Lawn Butler LLC
51 Harvey Rd. Unit 6
Londonderry, NH 03053
(603)235-0208
nhlawnbutler@gmail.com

Invoice



BILL TO
Stephen Cotton
Town of Londonderry
268B Mammoth Rd.
Londonderry, NH 03053

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
1279	04/10/2017	\$1,675.00	04/10/2017	Due on receipt	

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
Commercial:PLOW/SALT TOWN HALL PARKING LOTS PLOW/SALT TOWN HALL PARKING LOTS	5	185.00	925.00
Commercial:PLOW/SALT WALKS AND FIRE ACCESS RD. PLOW/SALT WALKS AND FIRE ACCESS RD.	5	150.00	750.00
Commercial:PLOW/SALT ACCESS CENTER PLOW/SALT ACCESS CENTER - NO CHARGE	1	0.00	0.00
		BALANCE DUE	\$1,675.00

ORDER 2017-11

An order relative to
Withdrawal From the Fire Truck Capital Reserve

First Reading: 04/17/17
Second Reading: Waived
Adopted: 04/17/17

WHEREAS the Town of Londonderry, by passage of warrant article #11 at its 1995 Town Meeting, established the Fire Truck Capital Reserve and authorized the Londonderry Town Council as agents to expend; and

WHEREAS the Town Council issued Resolution #2015-03 authorizing a master lease agreement with First Niagra Leasing, Inc. for fiscal years 2015-2019 in an aggregate principle amount of \$3,400,000; and

WHEREAS the Londonderry Fire Department has complied with the Town's purchasing policy consummating in the lease-purchase of a Ford Expedition; and

WHEREAS sufficient funds are available in the Fire Truck Capital Reserve;

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed to disburse \$14,353.57, from the Fire Truck Capital Reserve, for the second annual payment due as detailed on the attached lease amortization schedule.

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
04/17/2017

19978

Compound Period: Annual

Nominal Annual Rate: 1.390%

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	8/10/2015	42,022.00	1		
2 Payment	5/14/2016	14,353.57	3	Annual	5/14/2018

AMORTIZATION SCHEDULE - Normal Amortization, 360 Day Year

Date	Payment	Interest	Principal	Termination Value
Loan 8/10/2015				42,022.00
2015 Totals	0.00	0.00	0.00	
1 5/14/2016	14,353.57	451.06	13,902.51	28,119.49
2016 Totals	14,353.57	451.06	13,902.51	
2 5/14/2017	14,353.57	390.86	13,962.71	14,156.78
2017 Totals	14,353.57	390.86	13,962.71	
3 5/14/2018	14,353.57	196.79	14,156.78	0.00
2018 Totals	14,353.57	196.79	14,156.78	
Grand Totals	43,060.71	1,038.71	42,022.00	

Last interest amount increased by 0.01 due to rounding.

ORDER 2017-12

An order relative to
Withdrawal From the Fire Truck Capital Reserve

First Reading: 04/17/17
Second Reading: Waived
Adopted: 04/17/17

WHEREAS the Town of Londonderry, by passage of warrant article #11 at its 1995 Town Meeting, established the Fire Truck Capital Reserve and authorized the Londonderry Town Council as agents to expend; and

WHEREAS the Town Council issued Resolution #2015-03 authorizing a master lease agreement with First Niagra Leasing, Inc. for fiscal years 2015-2019 in an aggregate principle amount of \$3,400,000; and

WHEREAS the Londonderry Fire Department has complied with the Town's purchasing policy consummating in the lease-purchase of a Pierce Pumper; and

WHEREAS sufficient funds are available in the Fire Truck Capital Reserve;

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed to disburse \$61,161.86, from the Fire Truck Capital Reserve, for the second annual payment due as detailed on the attached lease amortization schedule.

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
04/17/2017

AMORTIZATION SCHEDULE

Date	Source	Amount Financed	Rate	Payment	Interest	Principal	Termination Value
11/04/2015	Amount Financed	550,577.00	2.15000	0.00	0.00	0.00	550,577.00
2015	Annual Total			0.00	0.00	0.00	
5/14/2016	Scheduled			61,161.86	6,247.52	54,914.34	495,662.66
2016	Annual Total			61,161.86	6,247.52	54,914.34	
5/14/2017	Scheduled			61,161.86	10,656.75	50,505.11	445,157.55
2017	Annual Total			61,161.86	10,656.75	50,505.11	
5/14/2018	Scheduled			61,161.86	9,570.89	51,590.97	393,566.58
2018	Annual Total			61,161.86	9,570.89	51,590.97	
5/14/2019	Scheduled			61,161.86	8,461.68	52,700.18	340,866.40
2019	Annual Total			61,161.86	8,461.68	52,700.18	
5/14/2020	Scheduled			61,161.86	7,328.63	53,833.23	287,033.17
2020	Annual Total			61,161.86	7,328.63	53,833.23	
5/14/2021	Scheduled			61,161.86	6,171.21	54,990.65	232,042.52
2021	Annual Total			61,161.86	6,171.21	54,990.65	
5/14/2022	Scheduled			61,161.86	4,988.91	56,172.95	175,869.57
2022	Annual Total			61,161.86	4,988.91	56,172.95	
5/14/2023	Scheduled			61,161.86	3,781.20	57,380.66	118,488.91
2023	Annual Total			61,161.86	3,781.20	57,380.66	
5/14/2024	Scheduled			61,161.86	2,547.51	58,614.35	59,874.56
2024	Annual Total			61,161.86	2,547.51	58,614.35	
5/14/2025	Scheduled			61,161.86	1,287.30	59,874.56	0.00
2025	Annual Total			61,161.86	1,287.30	59,874.56	
	Grand Total			611,618.60	61,041.60	550,577.00	

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **April 3, 2017**

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

4
5 Present: Chairman Tom Dolan; Vice Chairman John Farrell; Councilors Joe Green and Ted Combes;
6 Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik and Temporary Executive Assistant
7 Stacie Street; Absent: Councilor Jim Butler.

8
9 **CALL TO ORDER**

10 Chairman Dolan called the Town Council meeting to order at 7:01 PM. Chairman Dolan led the Pledge
11 of Allegiance. This was followed by a moment of silence to honor those in uniform, here and abroad.

12
13 **PUBLIC COMMENT**

14 Kerri Stanley, 112 Hardy Rd, started by congratulating both Councilors Joe Green and Ted Combes on
15 their newly elected positions to Town Council. Mrs. Stanley directed her 2-part question to Vice-Chair
16 Farrell, questions she felt had not been previously answered. Chairman Dolan reminded Mrs. Stanley that
17 it is customary for all questions to be directed to the Chair and then Chairman would distribute them
18 accordingly. Her question was; "If a tie vote is equivalent to a defeat, can you tell us what your motivation
19 was in calling for a point of order for a revote in the March 8th Planning Board hearing regarding the
20 MacGregor's Cut development?" and the second part of the question was, "Who has the authority to even
21 call for a re-vote other than the members of the Planning Board, assuming that they have that authority?"
22 Chairman Dolan turned over the question to Vice Chairman Farrell. Vice Chairman Farrell referred to his
23 motion/mention of a point of order. All Chairs of all Committees can deny any point of order. A point of
24 order is traditional, usually in Robert's Rules. He stated that you can bring up a question by bringing up a
25 point of order. He pointed out that it is up to the Chairperson of that Committee to either recognize, or not
26 recognize that point of order. To answer the second part of Mrs. Stanley's question, Vice Chair Farrell
27 said that a tie does not amount to a defeat, what it means is that there needs to be a motion made to either
28 deny or not deny... or they would need to move to another meeting, the next meeting or they need to have
29 the option of moving to an odd or even number of voters. He stated that almost no developer goes forward
30 with an even number of voters. Vice Chairman Farrell stated that he made the recommendation for the
31 Planning Board chair to decide what they wanted to do, because he felt that the people in the room
32 deserved an answer. Mrs. Stanley asked again, "A tie vote doesn't defeat a motion?" Chairman Dolan
33 replied, "A tie vote means it doesn't pass." Town Manager Kevin Smith interjected, "It means the motion
34 doesn't pass." Chairman Dolan suggested that what would have been proper was for the Board to ask for
35 a motion to defeat the matter that was before them. Kerri Stanley said people had been asking and she
36 wanted to understand how it worked. She thanked the Council for their answers.

37
38 Deb Paul, 188 Hardy Rd, wanted to understand that if the Planning Board votes to leave the vote the way
39 it is, what will the town do to defend the position of the board? If the Board votes to let the vote stand, to
40 still deny The McGregor Cut Developer, what will the town do? Chairman Dolan suggested there had to
41 be hypotheticals made. What would the developer do? He might do nothing...or turn his attention
42 elsewhere... or take legal action. Chairman Dolan said if the developer took legal action, we would need
43 to speak with our town lawyer to decide what is appropriate. Ms. Paul stated that she wanted to understand

LONDONDERRY TOWN COUNCIL MEETING MINUTES

44 the process before Wednesday's Planning Board meeting. Chairman Dolan spoke to the point, making
45 hypotheticals, stating that the Town had no legal responsibilities at this point because no action had been
46 taken. Ms. Paul asked if the Town Council would support the Planning Board no matter what they decided
47 to do? Ms. Paul stated that she didn't feel as though the citizens of Londonderry should have to suffer
48 because of a poorly constructed ordinance written by people who no longer work for the town. Vice
49 Chairman Farrell stated that as a Town Council, they took a stand on this project and that they were
50 separate from the Planning Board, he commented that the Town Council has been very clear about where
51 they stand in regards to this project. Chairman Dolan then stated that the Town Council does not advise
52 the Planning Board, or the ZBA, they all have their own processes they follow but they would offer legal
53 advice. He also mentioned that the Planning Board and the Town attorney would consult if legal issues
54 are brought up. This would be done in a non-meeting with legal counsel. Ms. Paul stated that she wanted
55 to be able to tell people that if it was voted for, what the next steps would be for residents to make in order
56 for their voices to be heard. Chairman Dolan referred to timing of when this Ordinance was submitted,
57 and how they are grandfathered under the old Ordinance. Chairman Dolan stated that the old Ordinance
58 was fixed but in legal fairness, they are entitled to proceed with their offering to the town based on the
59 date of their old Ordinance. Moving forward, Ms. Paul asked what their responsibilities as citizens were.

60 Vice Chairman Farrell stated as an example, if the Planning Board approves the Ordinance, it can be
61 appealed within 30 days to Superior Court. Given grounds, a citizen or an abutter can appeal. If the
62 Ordinance is defeated, the developer has the same right and can challenge our grounds for denial. Speaking
63 for himself, Vice Chairman Farrell stated that if the Planning Board received good advice and vigorously
64 defended their position, he would support them doing so. Ms. Paul stated that her question had been
65 answered but asked a follow-up question to clarify her understanding of whether or not the Council would
66 suggest getting someone with expertise in this area, another lawyer or is the town lawyer depended on?
67 Vice Chairman Farrell stated that different attorneys can be brought in but could not say whether or not
68 that would happen in this case. Chairman Farrell added that it would depend on a few things. 1. The
69 attorney's work load (we are not his only client). 2. Expertise. 3. The merits of the case. Deb Paul restated
70 that her reason for asking these questions were to have answers to the many phone calls and e-mails she
71 receives about the situation. She then stated that her biggest worry, if the decision is over turned, what, if
72 anything, can the Town Council do to help the citizens to ensure their safety. Can the Council intervene?
73 Vice Chairman Farrell added that Mike (town lawyer) is a litigator and they have never had a conversation
74 about what the Council can and cannot do. Chairman Dolan inserted that the Town Council needs to be
75 aware of their stance as appeals are brought to them on certain issues and if the Council has already
76 declared a position, it contaminates their ability to hear the appeal. This is the reason the Council does not
77 often take a more aggressive stance on certain topics. Chairman Dolan said there are 2 ways this could
78 change; The Planning Board could reconsider their vote or it could go to court where the judge decides.
79 Either party, if unsatisfied with the result, could bring this to court. Ms. Paul confirmed that it is up to the
80 citizens to take this to court if the vote is changed and the development is approved. Chairman Dolan
81 confirmed. Vice Chairman Farrell stated what the Council has done so far. It was suggested that the town
82 purchase the land. That was denied. He referred to doing a ballot, as was done with The Nevins. He said
83 building Town Houses was suggested and the developer stated that is not the business they are in. Selling
84 to another developer was also suggested and denied. Vice Chair Farrell said every scenario given to the
85 developer suggested that the development not be built. Ms. Paul then recalled how upon receiving a
86 certified letter, as an abutter, to attend a meeting with the developer where the details were discussed. She
87 mentioned a few other residents were there. After making alternate suggestions for what could be done in
88 that area, the developer stated he was only at the meeting because Art Rugg told him to be there and that
89 the development was not going to change. Deb Paul stated that she wanted to share this so that the Council

LONDONDERRY TOWN COUNCIL MEETING MINUTES

90 would understand where the animosity was coming from. Chairman Dolan shared that a few weeks ago a
91 small team was put together to approach the developer with alternative purposes for that property. This
92 was separate from the Planning board as their role is different. The Planning Board's role is to evaluate
93 plans to see if they are in compliance with our rules and regulations. The Planning Board does not take
94 community preference into account, their job is much more black/white, rules are met or they are not.
95 There is opinion in there. You do not meet the roles in the Planning Board's opinion, then approval is
96 denied. Approval is granted, if rules are met, regardless if the Planning Board does not like it. Deb Paul
97 stated that she feels bad for the people who don't understand the process and have no voice. Vice Chairman
98 Farrell Told Ms. Paul that our town attorney was instructed to go to their attorney and get a number to go
99 to the voters with, to take it to vote. Giving a number was refused. Ms. Paul suggested that a voice should
100 have been given at the Zoning Board level, when realtors were brought in but at that time she felt as though
101 what the people were saying had no validity. Vice Chairman Farrell referred to the original Ordinance that
102 Tim Thompson had written stating it had been fixed and now had the perimeters for the financial piece
103 that the state had to have. He stated that it was unfortunate that the right ordinance got denied. Ms. Paul
104 was trying to be very clear in her understanding of the process so in the future people know what they can
105 and cannot do and where they should be getting involved. Vice Chairman Farrell explained that
106 Ordinances come up through the Planning Board and there is a Public Hearing, and that is where they
107 need to get involved. Ordinances get changed in Public Hearings. Deb Paul asked if Planning Board
108 Ordinances come to Town Council and Chairman Dolan replied. He stated that Town Council approves
109 Ordinances and makes changes to them. Chairman Dolan continued with stating that the Planning Board
110 has the expertise in what changes need to be made and they will propose the changes and the Council will
111 either agree or not agree and make modifications if needed. Chairman Dolan reflected on the process of
112 Ordinance changes from +/- 20 years ago and how all the Ordinances would be voted on in a town meeting.
113 Chairman Dolan agreed that the Council typically relies on the Planning Board and their recommendations
114 for the correct path but there have been times when the Council has done differently than the Planning
115 Board recommends. Ms. Paul stated that her biggest concern is the traffic over there... suggesting it is
116 ridiculous and there needs to be a four way stop. She commented that a young child was inches from being
117 hit while walking to the bus and that something has to be done before someone gets killed (again). Deb
118 Paul thanked the Council for their time.

119
120 At this time Kevin Smith offered that prior to the Ordinance being changed, the town had the workforce
121 housing units on Mammoth Road being built, then the Wallace Farm (240 workforce housing) 50%, then
122 the Stonehenge came in the pipeline... then the ordinance was changed. Since then, there have been no
123 applications for workforce housing. This is not because it is not allowed (because we do in accordance
124 with the law) it is just more restricted now. Ms. Paul said she understood and thanked the Council once
125 more.

126
127 Tiffany Richardson, 10 Raintree Drive. Ms. Richardson stated she missed the Traffic Safety Committee
128 Meeting. Chairman Dolan stated there was a scheduling issue on when the meeting was going to happen
129 and apologized for the error. Ms. Richardson had a question in regards to the North School "school zone,"
130 was there an update about signage? Town Manager Kevin Smith offered an update. He stated that it should
131 be noticed that the 2 flashing speed limit signs that were once in the area of the Town Hall/High
132 School/Middle School have been moved up to the North School Area. More signs have been ordered to
133 replace the moved signs. Town Manager Smith stated that the school district is currently waiting on quotes
134 for the flashing school zone beacons. One sign will be added going North bound and the south bound one

LONDONDERRY TOWN COUNCIL MEETING MINUTES

135 will be upgraded so that it has 2 flashing beacons. The signs should be installed before the end of the
136 school year, and running before the start of the 2017-2018 school year. Next, Town Manager Smith stated
137 that the DOT installing one flashing yellow beacon on top of their traffic intersection sign, when
138 approaching North bound. With the passing of the rail trail, an added enhancement will be the new
139 pedestrian beacon will also be installed, also likely before the end of the year. Town Manager Smith stated
140 that there will be a lot of new ways to get people's attention to slow down up there. Miss Richardson
141 thanked the Council for all they do.

142

143 There were no more comments from the public, Chairman Dolan offered a few announcements. In regards
144 to the Fire Communications System that was voted on at the last election, there was a recount. It had to
145 have a 60% voter approval to pass because it was attached to a bond. It lost by about 30 votes. After the
146 recount, it still lost, by about 25 votes. There was some slight change but not enough.

147

148 Chairman Dolan then stated that many people have been asking about the Drop-Off Center. The Drop-Off
149 Center will be open this Saturday, April 8th from 8-4. All the same rules from last year apply, the town
150 web-site can be used for questions about what is accepted, not accepted and what the fees are.

151

152

PUBLIC HEARING

None.

153

154

155

OLD BUSINESS

None.

156

157

158

NEW BUSINESS

159 Chairman Dolan suggested we do New Business out of order, beginning with the Town Manager's
160 appointment of Tax Collector, Deputy Town Clerk and Deputy Tax Collector. Town Manager Smith
161 stated it was customary to reappoint annually. It was requested that the Council reappoint Kathleen
162 Donnelly, 29 Rainbow Drive, as Tax Collector for the Town of Londonderry, compensation \$55,714.57
163 to be valid no longer than April 3, 2018. Vice Chairman Farrell Approved. Second Councilor Green.
164 Approved 4-0-0. Town Manager Smith stated that he was also looking for approval, as both the Town
165 Clerk and Tax Collector appoint their Deputies. Town Clerk, Sherry Farrell would like to appoint
166 Kathleen Donnelly as Deputy Tax Collector and Kathleen Donnelly would like to appoint Diane Demers
167 as Deputy Tax Collector. Councilor Joe Green Approved. Second Councilor Combes. Vice Chairman
168 Farrell abstained. Approved 3-0-1.

169

170 Chairman Dolan introduced Order #2017-08, An Order Relative to the Expenditure of Capital Reserve
171 Funds for Highway Trucks and Equipment. Town Manager Kevin Smith presented as Janusz was
172 unavailable. The Order is for regularly scheduled vehicles and equipment. The first is for snow and ice
173 removal equipment (spreader, hydraulics, plows, sensors) and the second is a 6 wheel truck with optional
174 extended warranty. Money would be taken out of the Capital Reserve in the amount of \$152,189.00. A
175 motion to approve Order #2017-08 made by Vice Chairman Farrell and second by Councilor Green.
176 Approved 4-0-0.

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177 Chairman Dolan introduced Order #2017-09 – An Order Relative to the Expenditure of Maintenance
178 Trust Funds for Various Projects. Steve Cotton presented. This order is for winter maintenance of town
179 property in the amount of \$5,655.00. Councilor Joe Green made a motion to approve. Vice Chairman
180 Farrell second. Councilor Ted Combes interjected that the invoices are hard to read. Mr. Cotton stated
181 that his copied were legible. Councilor Combes referred specifically to the Green Magic invoice.
182 Councilor Green agreed that there is concern because the dollar sign looks like a 5, which causes the total
183 amount to be different. Councilor Combes suggested the order be held until the next meeting. Mr. Cotton
184 was able to present the original invoice. Total amount is confirmed correct. No further discussion.
185 Approved 4-0-0.

186
187 Chairman Dolan introduced Ordinance #2016-07A – An Amendment to Ordinance 2016-07 Relative to a
188 Restriction on Outside Water Use. Chairman Dolan offered an edit. On page 1, under the first “whereas”
189 about 6 lines down, the word should read “fine” and not “file.” Given this edit, Chairman Dolan would
190 like to receive a motion to wave the first reading and schedule a public hearing on Ordinance #2016-07A
191 at the next meeting. First motion made by Vice Chairman Farrell and second by Councilor Green.
192 Approved 4-0-0.

193
194 Public Hearing is scheduled for April 17, 2017. At the next meeting, public questions will be taken.
195 Chairman Dolan stated that this Ordinance refers to outside water use and if it is approved, it will modify
196 the restriction to an even/odd day restriction as opposed to a total ban which is what we currently have.

197
198 Chairman Dolan introduced Order #2017-10 – An Order Relative to the Distribution of Fire Equipment
199 Capital Reserve Funds. Chief Darren O’Brien presented. Chief O’Brien stated that the order was
200 requesting \$16,411.00 to replace firefighter’s turnout gear. Each firefighter has 2 sets of gear, shelf life is
201 10 years. Chief O’Brien reminded the Council of the tanker crash on Route 28, where gasoline was
202 spilled, and many firefighters had their gear contaminated. The Chief explained that the insurance
203 company from that crash paid the town for that lost gear and that money was put back into the operating
204 budget which is reflective of invoice being split. Chief O’Brien stated that the Global turn-out gear was
205 manufactured right in NH and it was the best price available for that gear. Every 3 years a committee
206 studies the options for new gear. Councilor Green asked about the gear not requiring 3 quotes and Chief
207 O’Brien stated that the fire department revisits vendors once every 3 years and that this year they will
208 begin the process. Vice Chairman Farrell motions to approve Order #2017-10. Councilor Combes second.
209 Approved 4-0-0.

210
211 Chairman Dolan inquired about whether or not the open Board positions should be advertised and pulled
212 from the current Talent Bank forms. Town Manager Kevin Smith stated that Stacie Street had already
213 advertised for it so he recommended letting the advertisement run to see if any new applications come in
214 and they can all be pooled together. Chairman Dolan stated that one current applicant is already sitting on
215 the Heritage Committee and that is a violation of a statute. Anyone wishing to sit on the Planning Board,
216 would need to resign from the Heritage Commission and vice versa. Chairman Dolan stated that at the
217 next meeting they would bring this up again.

218
219 Returning to item #1 under New Business, the discussion of a Veteran’s tax credit. As a reminder,
220 Chairman Dolan stated that the Town Council took this up as an issue last year. Currently there is a \$500

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221 tax exemption that Veterans can take if they qualify with certain service requirements. The process is
222 complex, the tax collector goes through and checks the inclusive dates and if you are a Veteran and you
223 served in those dates, you may take the tax credit. Chairman Dolan stated that they were looking at ways
224 to account for how many people would take the credit under the new state guidelines, as it would affect
225 the town revenues, as they would be unpredicted. Chairman Dolan said they were trying to determine
226 how this could be handled, by offering a smaller tax credit at the start and phasing it in over 2-3 years,
227 this will be allowed with the new changes to the tax credit law. Chairman Dolan stated that this Council
228 will be faced with the decision of allowing the tax credit to other Veterans and at what rate. He also stated
229 that decisions made from previous Councils do not bind the current Council. He said to stay tuned and it
230 will be discussed when legislation passes. Councilor Green suggested to Council Chairman that this be
231 brought up again at the May 1st meeting as a check in so it doesn't get forgotten. Councilor Combes
232 asked Town Manger Smith if he knew when legislation would be finalized. Town Manger Smith replied
233 that it has passed the Senate and is currently in the House Committee right now. All House Committees
234 probably have to be out by the end of April. He also stated that if it passes with an amendment then it has
235 to go to a conference committee but otherwise if the House passes it as it came out of the Senate then it
236 could go right to the Governor's desk. Town Manager Smith suspected it would be finalized sometime in
237 May.

238
239 Deanna Mele, 8 Valley Street. Unfamiliar with procedure, she was unaware she should have spoken up
240 during public comment. She is a veteran, served during peace time, has lived in Londonderry for 45 years
241 and has never received a tax exemption. She stated that last year during tax season, she called a Councilor
242 and suggested doing a survey to see how many people in town would be eligible for this exemption. She
243 also asked in the Clerk's Office and Assessor's Office. She stated a survey was not done. She also stated
244 that if the exemption was going to be "pittance" she suggested not doing one at all. Councilor Dolan
245 thanked Ms. Mele for her comments.

246

APPROVAL OF MINUTES

248

249 Approval of Town Council minutes from March 20, 2017 made by Councilor Green and second by Vice
250 Chairman Farrell. Councilor Combes abstained. 03/20/17 Minutes Approved 3-0-1.

251

252 Approval of Town Council Organizational minutes from March 27, 2017 made by Vice Chairman Farrell
253 and second by Councilor Green. 03/27/17 Minutes Approved 4-0-0.

254

255 Chairman Dolan offered editorial comment in regards to recent e-mails about the Town Council minutes.
256 He stated that if anyone had concerns about the minutes they should know all minutes are recorded and
257 also kept with a DVD transcript so there is a very good record kept.

258

TOWN MANAGER REPORT

260 Town Manager Kevin Smith stated that last week National Grid announced a proposed project, "Power
261 Link" that upgrades existing power lines from Vermont through central and southern New Hampshire,
262 going through Londonderry. Town Manager Smith stated that National Grid did a press release along a
263 small map, both have been posted on our town web-site to review.

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264 http://www.londonderrynh.org/Pages/LondonderryNH_TownNews/I02550463.1/GSPL%20Press%20Release.pdf
265

266 He explained there would be a proposed switching station in Londonderry. Town Manager Smith met
267 with officials from National Grid and was told that all of the work to be done, would be done in their
268 existing right of ways with the upgrade of their transmission towers with the addition of some possible
269 new towers on the outside of the right of way. Town Manager Smith stated that this is all a preliminary
270 and he requested that National Grid put together a map of the current right of ways and where they would
271 be proposing the new towers. Chairman Dolan asked if that information would be on the web-site and
272 Town Manager Smith said it would be once he has it. Town Manager Smith also stated that once National
273 Grid has this updated information they will give a presentation at a Town Council meeting in May and
274 community meetings will start shortly thereafter.

275

276

ADJOURNMENT

277 Chairman Dolan shared that the next 2 meetings will be on April 17 and May 1. He then accepted a
278 motion to adjourn made first by Councilor Green and second by Councilor Combes. Approved 4-0-0.
279 Meeting adjourned at 7:56 PM.

280

281

282 Notes and Tapes by:	Stacie Street	Date: April 3,2017
283 Minutes Typed by:	Stacie Street	Date: April 4, 2017
284 Approved by:	Town Council	Date: April 17, 2017