

**TOWN COUNCIL MEETING**  
**September 17, 2007**

1  
2 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B  
3 Mammoth Road, Londonderry, NH. **Scheduled agenda times are advisory only.** Regular  
4 meetings are cablecast live and videotaped for the convenience of our viewers at home.

5  
6 **PRESENT: TOWN COUNCIL; Chairman Joe Paradis; Vice Chairman, Marty Bove;**  
7 **Councilors Mark Oswald; and Kathy Wagner; Town Manager Dave Caron, Assist. Town**  
8 **Manager/Finance Dir. Sue Hickey, and Margo Lapietro, Executive Assistant. Absent**  
9 **Brian Farmer**

10  
11 **CALL TO ORDER**

12 Chairman Paradis opened the meeting at 7:02 PM with the Pledge of Allegiance. This was  
13 followed by a moment of silence for the men and women fighting for our country.

14  
15 **PUBLIC HEARING**

16  
17 **Councilor Bove made a motion to open the public hearing. Second by Councilor Oswald.**  
18 **Councils vote 4-0-0.**

19  
20 **A. Ordinance #2007-06 – Relative to Speed Limit on Buttrick Road; Report of the**  
21 **Traffic Safety Committee-Fog**

22 Town Manager Caron stated that over a year ago residential streets were reduced to 30 MPH.  
23 Traffic Safety Committee (TSC) was recently notified that Buttrick Road was overlooked.  
24 Councilor Wagner asked if there was a future need of a set of traffic lights there. Town  
25 Manager Caron stated it would depend on traffic flow. Tim Thompson, Town Planner said  
26 there were no plans yet traffic studies associated with future development will be reviewed  
27 by State to determine the necessity. Open to public, no discussion. **Councilor Bove read**  
28 **the second reading and made a motion to accept. Second by Councilor Oswald.**  
29 **Council's vote 4-0-0**

30 Janusz Czyzowski, PW Dir. said that TSC has been approached by some taxpayers regarding  
31 painting fog lines on various streets in Town. He said it is a safety issue and should be  
32 discussed at a Council meeting. He explained the roads targeted consisted of 34 miles and  
33 estimated the cost would be approximately \$15K, which would bring his budget over default  
34 as requested by Council. He explained if he got the money he would prefer to spend money  
35 to be used on site distances at intersections. Councilor Oswald asked if there were particular  
36 roads in Town that had a tendency for evening accidents. J. Czyzowski said he had no data  
37 present but would look into it. Chairman Paradis asked what roads had the fog lines, and  
38 how often were they painted. J. Czyzowski responded state roads had them, supposed to be  
39 painted once a year but were not. Lines are painted each year on town roads. Open for  
40 discussion. Ed Ferreira, 15 Lancaster Dr. stated any road with yellow lines should have  
41 white lines on the side, beneficial for everyone. Joe Curro, 103 High Range Road said it was

42 a safety issue for everyone, all towns around us have it. Both Councilor Bove and Wagner  
43 asked J. Czyzowski to come back with five high use roads that he would put fog lines.  
44 Councilor Bove said they should look at this as a line item during budget review.

45 **B. Ordinance #2007-05 – Relative to Rezoning Certain Property on Clark Road (Coca-**  
46 **Cola Facility)**

47 **Councilor Bove read the second reading made a motion to adopt. Councilor Oswald**  
48 **second.** Chris Rice from TF Moran presented drawings. Coca-Cola is interested in re-zoning  
49 4 parcels along Clark Road Total land area of 14 acres; none of the abutters had concerns.  
50 The Planning Board had two conditions; no access to Clark Rd and; merger of the re-  
51 subdivided lots with Lot 98. Councilor Bove question what happens to two remaining lots, he  
52 responded lots 15-92-1 & 15-92-2 will remain residential properties. Tim Thompson  
53 responded there is currently a sub-division application in process in Planning Board to shift  
54 the lot line to make those conforming residential lots Tim Thompson explained the Planning  
55 Board recommends the rezoning with the above listed conditions. Tom Duffy, Realtor with  
56 Prudential/Verani represents Jason White, owner of Lot 15-96. He said according to the  
57 Master Plan the Coltey lot, 15-97 was rezoned last year by Council. Jack’s Bridge Rd not  
58 rezoned industrial, Planning Staff recommendation said wait until each lot comes in, rezone  
59 as it comes in. Coltey lot and Jason White’s lot and lot next to it not re-zoned, which creates  
60 difficulties to setbacks. **Councilor Bove made a motion to approve. Second by Councilor**  
61 **Wagner. 3-0-1, with Councilor Oswald abstaining.**

62

63 **Motion to close public hearing made by Councilor Oswald. Second Councilor Bove. Vote**  
64 **4-0-0.**

65 **PUBLIC COMMENT**

66

67 **A. Vinny Curro – Safety Week** Vinny Curro announced that this Saturday from noon until  
68 4:00 PM was Family Safety Day, coincides with Emergency Preparedness, National  
69 Child Safety Week. This is the seventh year he has run the program. He explained they  
70 will do a child’s car seat check, offer free child identification kit for use up to 18 years  
71 old, a smoke house trailer will be available, and health screenings are among some of the  
72 services offered. Last year they had approximately 133 kids.

73 **B. Julie Liese – International Exchange Committee (LIEC)** - Reed Paige Clark III. and  
74 Julie Liese announced that the ballroom dance team from Voladga, Russia will be  
75 arriving 10/4 along with two ambassadors/interpreters. Arthur Murray Dance sponsoring  
76 them. On Sat. 10/6 they will be doing demonstrations and offering instruction at Arthur  
77 Murray. J. Liese explained that Voladga became our sister city in 1991. Has 300K  
78 residents and is located about 300 miles north of Moscow. Reed said Voladga is where  
79 all Russian diplomats stayed during WWII. They are trying to host a presentation on  
80 Friday, “Londonderry Days”. R. Clark is working on the details

81 **C. Code of Ethics Discussion – Nick Holmes, and Scott Ives Town of Dunbarton** Sean  
82 O’ Keefe introduced Nick Holmes and Scott Ives from Dunbarton who were on the  
83 committee to establish a Code of Ethics Committee in their Town. Nick said they started  
84 it in 200 and studied state laws that applied to state officials. Have an ethics committee  
85 for the past 6 1/2 yrs., and has been very successful in their Town.

86 1. Gives everyone an objective standard about what the ethics are that the town  
87 officials should comply with.

- 88                   2. Serves as an educational function for newly appointed town officials  
89                   3. Resource  
90                   4. Provides a neutral and detached forum for resolving complaints. All complaints  
91                   have to be in writing, specify which section of code violated, date of violation.  
92                   Complainant has to certify they have gone through lowest levels to resolve ethical  
93                   disputes before coming to the committee. Once complaint has been received, any  
94                   scandal or potential for damaged reputations will not be made public. Otherwise  
95                   out in open.

96                   Councilor Oswald asked if there was any one incident that brought the formation of this  
97                   committee being formed in their Town. He responded they had Police and Selectmen  
98                   issues, as well as small town gossip. Small scandals withdraw good-willed people from  
99                   serving the Town. They developed a series of flow charts to handle situations. Councilor  
100                   Wagner asked how members are elected, how do you police yourself. N. Holmes said  
101                   they come together for the good of the town. S. Ives said the committee's power is their  
102                   reputation, they only make a finding in the case, produce a report, cannot remove  
103                   someone from office. Their only authority is when a complaint is filed. If a committee  
104                   member brings in a violation they have to recuse themselves. Councilor Bove asked if  
105                   the public meeting has to be posted, S. Ives responded yes. Councilor Bove asked if the  
106                   meeting could be a non-public session, he responded they have never done it and prefer  
107                   that the meetings are public. If accuser does not show up do you still hold meeting, yes,  
108                   still have meeting. Questions arose about how often they meet and does the code of  
109                   ethics apply to volunteers. N. Holmes responded they meet each month and it does apply  
110                   to volunteers Councilor Bove complimented them, highly recommended using  
111                   Dumbarton's Code of Ethics. Chief Joe Ryan asked if they had contracted employees  
112                   when they instituted this committee, S. Ives replied not at that time. He asked what  
113                   training is required of ethics committee. S. Ives replied that only criteria in their Town  
114                   are that you can run for office, no special training other than their own training on the  
115                   code and how it works. Jeff Locke, 10 Welsh Rd. liked the idea of an ethics committee.  
116                   Councilor Oswald suggested bringing this item up again at the Oct. 15 Council meeting.

117

118                   D. **Tom Duffy** – Tom Duffy, Prudential Verani Realty, discussed the zoning issue on Map  
119                   15 lots. He read an 8/22 letter he sent to Town Manager and quoted excerpts from the  
120                   Planning Board meeting of 4/12/06. The lot he represents is not zoned industrial,  
121                   suggested extending zoning line from edge of town land and extend back 250' from  
122                   Jack's Bridge Rd. He wanted clarification from Council that frontage on Jack's Bridge  
123                   was industrial with some depth onto Clark Road. Andre Garron said two of the property  
124                   owners wanted re-zoning. He explained that industrial property is assessed at a higher  
125                   level than residential resulting in higher taxes. Planning Board recommended rezoning of  
126                   15-97. The Whites did not approach the Board at the same time as the other property  
127                   owner. Desire for Master Plan was for Jack's Bridge to remain industrial. The Coltey  
128                   lot #97 at this time is conditionally rezoned pending sub-division remains stalled because  
129                   no revised plans received nor have application fees been paid for close to a year. As of  
130                   today it remains residential The White lot and Remington lot all remain residential. T.  
131                   Duffy stated rezoning those lots complies with the Master Plan for that area. The  
132                   Planning Board relies upon property owners to come forward with request to re-zone  
133                   properties. A. Garron stated the triangle remains residential. Split zone lot is not a good  
134                   situation because it will result in more restrictions applied. Discussion ensued about  
135                   rezoning the lot. T. Thompson said there are three options; rezone all three lots to

136 industrial; create subdivision lines for those lots intended to be industrial; leave the  
137 remaining lots residential. Master Plan says all of area should go industrial. Art Rugg,  
138 Planning Board Chairman, said the board always works with land owners; he suggested  
139 Mr. Duffy try to work with them. Mr. Duffy said he talked with all the land owners to  
140 see if they wanted to rezone.

141

142 **Gerard Adams, 54 Hall Road** – Mr. Adams was unable to attend the last Council meeting  
143 and had his wife read a prepared statement at that meeting. He appeared tonight to defend  
144 his position regarding reporting complaints against Murray’s Auto Salvage.

145

146

### **OLD BUSINESS**

147

148 A. **Manpower and Succession Planning Report** - Chairman Paradise at the request of  
149 absent Councilor Farmer had this subject replaced on next agenda. Everyone was in  
150 agreement.

151

152

### **NEW BUSINESS**

153 A. **Historic Properties Preservation Task Force Final Report** – Chairman of Historic  
154 Properties Preservation Task Force, Russ Lagueux, A.Garron and T. Thompson were in  
155 attendance. R. Lagueux explained background of the committee and said they have come  
156 up with five criteria for a Historic Structure in the Town of Londonderry

- 157 1. Has to be 100 years of or greater
- 158 2. It is a significant example of a particular historical period or architectural style
- 159 3. Building’s original core structure must have retained a minimum of 75% of its  
160 original external features and be free of major external alterations and/or additions.
- 161 4. If house does not meet this criteria, a determination could be made by the Historic  
162 District Commission (HDC) that the structure has unique historical value despite the  
163 criteria listed above. In addition, they specifically defined what a historic site was.  
164 Their report identified 141 properties in town and they were listed in the report.

165 The homeowners who attended a workshop had 5 requests they would like to see  
166 implemented:

- 167 1. Direct the Planning Board to address zoning issues for historic homes.
- 168 2. Establish a informational/resource report for Heritage/Historic Commission and  
169 the Historical Society whereby information can be easily accessible to historic  
170 homeowners interested in preservation, techniques, and contact information for  
171 specialists
- 172 3. This report should be updated periodically by the Heritage/Historic District  
173 Commission
- 174 4. Follow-up workshop should be held.

175 A. Garron thanked everyone for their hard work. Councilor Oswald asked what is  
176 process for someone who wants to have their house added to list. T. Thompson  
177 explained the HDC will be in charge of it. Councilor Wagner said it is important to

178 implement plan, homes are expensive to repair, homeowners need tax breaks. She said  
179 homes built before zoning was instituted, have hardship when they want to put additions  
180 on homes. T. Thompson explained there was no way to create a Historic District because  
181 homes all over Town. He said the report will be on the website. Art Rugg commended  
182 everyone's work.

183  
184 **B. Ordinance #2007-07 – Relative to Re-Zoning Map 6, Lot 31 Councilor Oswald read**  
185 **the first reading, second reading and public hearing scheduled for 10/1/07, made a**  
186 **motion to move. Councilor Wagner second. Council's vote 4-0-0.**

187 **C. Ordinance #2007-08 – Relative to Revisions to Vehicle Access & Parking, and Sign**  
188 **Sections of the Zoning Ordinance Councilor Bove read first reading, second**  
189 **reading/public hearing scheduled for 10/1/07. Councilor Bove made a motion to move**  
190 **the Ordinance to the 10/1/07 meeting. Second by Councilor Wagner. (10:01 PM**  
191 **Councilor Oswald left). Councilor Wagner asked T. Thompson for explanation of inside**  
192 **signs. He responded the changes in this zoning ordinance address outside commercial**  
193 **advertising and some outdoor signage within residential and agricultural operations.**  
194 **Does not enforce signs within a building. Council's vote 3-0-0. (At this point in time**  
195 **Councilor Oswald returned to the meeting).**

196 **D. Resolution #2007-30 – Relative to Acceptance of a Conservation Easement from**  
197 **Granite Ridge Energy Councilor Oswald read first reading, waive second reading,**  
198 **motion to adopt. Second by Councilor Bove. Town Manager Caron explained these**  
199 **easements are related to the AES site plan approval. Councilor Oswald said this abuts**  
200 **Musquash. Council's vote 4-0-0.**

201 **E. Resolution #2007-31 – Relative to Sanctioning of Londonderry Youth Soccer**  
202 **Association Councilor Wagner read first reading, waived second, motion to adopt.**  
203 **Second Councilor Oswald. Recreation Director, Art Psaledas said they had a little**  
204 **trouble with paperwork, did not get articles of agreement from State. They received a**  
205 **letter from State, original not in their hands yet, but State said they were OK. Second**  
206 **Councilor Oswald, Council's vote 4-0-0..**

207 **F. Order #2007-14 – Relative to a Grant to the Londonderry School District -**  
208 **Councilor Bove read first reading, second waived, motion to adopt. Second**  
209 **Councilor Wagner. Chairman Paradis asked Town Manager Caron if this is an annual**  
210 **grant, he responded it is an annual grant. Council's vote 4-0-0.**

211 **G. Review of Collection Process – Ambulance Service – Sue Hickey stated that in the past**  
212 **fiscal year we had a 53% write off of ambulance fees which amounts to about \$245K.**  
213 **These were classified as “non response to collection letter” She proceeded to give a brief**  
214 **overview of the process. The Town uses Comstar who sends out 3 bills to the patient; if**  
215 **they receive no response, they send out a collection letter to patient. If no response to**  
216 **collection letter, we have option to:**

217 1. Use a collection agency that has 3% success rate in their collection rate;

218 2. Report bad debts to credit bureau.

219 Legal council said we can adopt different policies for residents and non-residents.  
220 Councilor Bove suggested phoning delinquent accounts. Councilor Bove questioned the  
221 lien process on in-state delinquencies. S. Hickey will have to look into it as an option.  
222 Chairman Paradis asked what is the average debt; S. Hickey responded average  
223 ambulance ride is \$581.78, additional charges for meds and services. Councilor Oswald

224 asked if we can garnish wages. Town Manager Caron will contact counsel about liens  
225 and garnishment of wages. Consensus is to send to credit bureau for collection. Town  
226 Manager Caron stated he will return at the 10/1 meeting with an Ordinance for the  
227 Council's consideration.

228 H. **Resolution #2007-31 Relative to the Bartley Hill/Mammoth/Litchfield Intersection** –  
229 Councilor Bove read the first reading, second waived **motion to adopt. Second by**  
230 **Councilor Wagner for discussion.** Councilor Wagner asked why the cost has gone up.  
231 Town Manager said due to design delays and construction cost inflation. Project will be  
232 advertised 3/25/08; construction will begin in 08 and be finished in 09. Discussion ensued  
233 about if the State will stick to their schedule. Councilor Wagner asked A. Garron what  
234 the plans would be to re-route traffic during construction. He responded they have a plan  
235 to get people in and around the project. **Council's vote 4-0-0.**

236 **APPROVAL OF MINUTES**

237 **Councilor Wagner made a motion to accept the minutes of the Council's July 12,**  
238 **2007 Public Meeting. Second Councilor Oswald. Council's vote 4-0-0.**

239 **Councilor Bove made a motion to accept the minutes of 8/9/07 Second by Councilor**  
240 **Wagner. Council's vote 2-0-2, with /councilors Paradis and Oswald abstaining.**

241

242 **OTHER BUSINESS**

243 A. **Liaison Reports** Councilor Oswald stated that Leadership Londonderry starts this  
244 Thursday with 16 members for their 4<sup>th</sup> year. Conservation Commission met 2 times,  
245 design review on a couple of projects. Discussion of possible easement purchases  
246 through Open Space. Councilor Wagner questioned Town Forrest and expansion of  
247 Common. Town Manager Caron and he will meet with the forester this week

248 Councilor Wagner said the Planning Board has been very lively, lots of people attended.  
249 Budget Committee was very focused on the school. Change of venue was discussed,  
250 moved on to be discussed with Council. Old Home Day had about 17,000 people attend,  
251 event still growing. Next meeting is in October and the Committee is still looking for  
252 volunteers

253

254 Councilor Bove said signs went out for bid for "Welcome To Londonderry"; don't have  
255 results quite yet. Attended last School Board meetings, had annual visits to different  
256 schools, lots of questions asked; discussed use of portable classrooms. He brought up the  
257 issue that the FCC is allowing local access cable studios to negotiate their own contracts.  
258 FCC being sued. He directed the Town Manager to draft a letter to FCC, congressmen,  
259 and senators. This would allow companies to do away with the access fees. Per our  
260 franchise agreement, Comcast owes the Town another station, but is refusing to allocate  
261 it to the Town. Cable service funded by access fees. He did an interview with the  
262 Attorney General dealing with internet crimes on children. Did a booklet about it,  
263 advised parents to watch it.

264

265 Chairman Paradis said Senior Affairs has started up again. Attended Heritage. LIEC  
266 announced tonight that the Russian dancers are coming to town. Exit 4A meting held in  
267 Derry last week. Exit will go near Derry PD. \$23-30M is cost. Derry and Londonderry  
268 have contributed \$5M each. Looking for creative ways to obtain more money. About 6

269 houses being taken are in Londonderry, many homeowners in attendance. Many years  
270 away, will benefit Derry and will impact Londonderry.

271 **B. Town Manager's Report** – The Town is in the process of removing all buried debris  
272 from the old junkyard on Sanborn Road, which the Town acquired by tax deed. The  
273 project is funded through the Expendable Maintenance Trust, although the Town did save  
274 about \$11,000 by receiving replacement fill from the Exit 5 project.

275 The Town received 34 resumes for fire chief position, which are currently being reviewed  
276 by MRI. Will be scheduling interview dates shortly.

277  
278 The FY09 budget is due to the ATM-F&A today. Presentations to the Town Council will  
279 begin on 10//22.

280  
281 The Town has been notified by DRA regarding the citizens petition to use open space  
282 funds for N/W fire station. DRA has concurred with the opinion of the Town Attorney that the  
283 petition is illegal and the appropriation would most likely be disallowed if approved by the  
284 voters. Based on recommendations of Town Council and the municipal association the Town  
285 will still be filing a petition in Superior Court and that will be filed shortly.

286  
287 **C. Board/Committee Appointments/Reappointments/Resignations**

288  
289

290 **ADJOURNMENT**

291  
292 **Councilor Kathy made a motion to adjourn at 10:45 PM. Second Councilor Oswald .**  
293 **Council's vote 4-0-0.**

294  
295

296 **Notes and Tapes by: Margo Lapietro Date: 09/17/077**

297  
298 **Minutes Typed by: Margo Lapietro Date: 09/21/07**

299  
300 **Approved: Town Council Date: 10/01/07**

301  
302  
303