

TOWN COUNCIL MEETING
October 1, 2007

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2 The Town Council meeting will be 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.

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

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10 **CALL TO ORDER**

11 Chairman Paradis opened the meeting at 7:11 PM with the Pledge of Allegiance. This was
12 followed by a moment of silence for the men and women fighting for our country.

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14 **PUBLIC HEARING**

15 **Councilor Bove made a motion to go into Public Hearing. Second by Councilor Wagner.**
16 **Councils' vote 5-0-0**

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18 **A. Ordinance #2007-07 – Relative to Re-Zoning Map 6, Lot 31** - Ken Rhodes of CLD
19 Consultants, Adam Wagner from Cube 3 Studios and Mr. Richard Anagnost were in
20 attendance to support the rezoning of Map 6, Lot 31 from C-1 to C-111 and remove the
21 parcel from Rte. 102 POD. This is an expansion of the Elliot Medical facility on Buttrick
22 Road. Tim Thompson, Town Planner stated the Planning Board (PB) recommends the
23 rezoning, it is consistent with the Master Plan and the C-III District purposes and
24 permitted uses match those allowed in the POD. The Board recommended a condition
25 “that the rezoning not become effective until final approval of a site plan for the parcel
26 which is consistent with the design presented conceptually to the PB on July 11, 2007 and
27 again during the rezoning hearing on August 8, 2007.” The proposed development would
28 be approximately 50-60,000 square feet of new medical office building. Hearing no
29 further comment, **Councilor Farmer made a motion to accept the Ordinance. Second**
30 **Councilor Oswald. Councils vote 5-0-0.**

31 **B. Ordinance #2007-08 – Relative to Revisions to Vehicle Access & Parking, and Sign**
32 **Sections of the Zoning Ordinance.** Tim Thompson, Town Planner explained the biggest
33 change is increasing the flexibility of the parking requirements to conditional use permits
34 and inclusion of bicycle parking standards where the PB deems applicable This was a
35 coordinated effort on the part of the 2006 intern, Eric Dyer. Significant changes to the
36 Ordinance occur in Section 3.10.10, a new parking requirement use table. Tables were
37 updated to include all of the uses that are in the permitted use table in zoning ordinance.
38 Parking requirements were updated to modern standards. Section 3.10.11 is the
39 flexibility in Off-Street parking and Loading Standards; it establishes PB flexibility
40 through condition use permits, which hopefully will reduce the burden on the ZBA for
41 parking variances. Alternative parking standards had addition to compact parking spaces,

42 shared, future parking, transportation mitigation plans and alternative transportation.
43 Added a section on paving materials. Bicycle parking stands establishes space
44 requirements where they are located and defined appropriate bike structures. Chairman
45 Paradis asked what standard was used for the bike parking regulations, T. Thompson
46 responded it was a mix of standards throughout state as well as nation-wide publications
47 put together by the American Planning Association. Eric Dyer spent a lot of time with
48 alternatives that would be appropriate for Londonderry.

49 Signs – The Section was completely re-written, added additional requirements for signs
50 that are not currently addressed, improved the performance standards as well as content
51 neutrality. Eric Dyer, the 2006 intern also completed the signs changes. Significant
52 changes were in the measurement and calculation of the area of signs. Limit of free
53 standing signs to 10 ft. height in all districts. The changes also clarify which signs don't
54 require permits, and which signs are prohibited in all districts. Eliminated the local
55 language relative to political signage and referenced state statutes. Residential and
56 agricultural uses updated, included signs for sub-division or condo development, home
57 occupations agricultural, and seasonal agricultural. Commercial district changes include
58 lots that have frontage on two roadways and are multi-tenant, there are some standards
59 that allow for a second free standing sign as long as the requirements are met. Multi-
60 tenant buildings will be allowed up to 40 sq. ft. per tenant. Open to public, no comments
61 offered. **Councilor Farmer made a motion to adopt. Second Councilor Bove.**
62 **Councils vote 5-0-0.**

63 **Councilor Bove made a motion to close public hearing. Second by Councilor Farmer.**
64 **Vote 5-0-0.**

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PUBLIC COMMENT

68 A. **Project P.L.A.Y. – Lara McIntyre – Use of Impact Fees** Art Psaledas, Recreation
69 Dept. and Lara McIntyre, Chair of Project Chair were in attendance. L. McIntyre
70 explained she was here to discuss the possibility of using impact fees for construction of
71 the playground. During the past year they raised approximately \$38,000, and started a
72 corporate campaign to invest in the playground. Had “Touch a Truck” events and
73 attended numerous events in Town including attending Old Home Day, soccer, and
74 football registrations, etc. A. Psaledas said L. McIntyre attended their last meeting and
75 Recreation Commission understands difficulty with raising all funds needed for
76 playground. Impact fees were suggested to be used to buy the structure only, with other
77 responsibilities being completed by the group. L. McIntyre said corporations want to
78 know if town is backing them, and expects additional donations once the Town commits
79 to the project. Town Manager Caron asked A. Psaledas to look into the Recreation
80 Master Plan established in 2003 and see what remains to be accomplished. The Town
81 collects about \$6-8,000 a month in impact fees. If the Town applies all the funds that are
82 in the Recreation Department’s budget; other items may not be funded. A. Psaledas
83 responded there are no “big ticket” items on the horizon. Councilor Wagner questioned
84 if the \$115,000 requested would be for equipment only. A. Psaledas replied it is
85 \$115,000 for equipment, does not include demolition and sub-surface work. Councilor
86 Wagner stated that all impact fees will be substantially wiped out. A. Psaledas said he
87 would like to speak with the Recreation Commission about the 2003 list before making a
88 final commitment to exhaust the impact fees. Councilor Bove would like to see priorities

89 on 2003 list provided and update the list. Discussion ensued about what items were done
90 and what were not. Chairman Paradis asked what the additional expense will be for
91 labor. L. McIntyre said it would be a community build. Councilor Bove asked for
92 clarification on the fee of \$10,000 for demolition. A. Psaledas said it would be wood and
93 plastic, and fees are being paid to dump the material. Substructure has to be solid.
94 Councilor Farmer said he would recommend that the Council go with the Town
95 Manager's recommendation to postpone a decision until next Council meeting so that the
96 Recreation Commission can review and update the 2003 list .

97 **Dottie Grover – Town Meeting Venue** Dottie Grover provided a spreadsheet indicating
98 various school locations, the rooms in the school that can be used, the capacities, parking
99 facilities, internal costs, contracted costs with audio and video and contract audio only. The
100 least cost is at the Londonderry High School (LHS) cafeteria. It has a chair capacity of 1043,
101 option of overflow crowds there as well. Councilor Wagner asked what the costs would be
102 for gym. D. Grover said not practical, costly, all equipment would have to be protected in
103 gym, not good shots with cage around camera and audio issues. Discussion ensued about the
104 maximum capacity of 1043, at the High School Cafeteria and cost of additional rental chairs.
105 Councilor Wagner questioned offering baby sitting; Councilor Bove stated it could not be
106 offered due to state regulations. Councilor Farmer suggested making this decision closer to
107 Town Meeting so people can understand why this decision was made. Town Manager Caron
108 stated the decision should be made sooner than later because the Town would have to make a
109 request to the School Board for use of facilities. Consensus of the Council was to make a
110 final decision at the next meeting

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112 Nate Greenberg, Superintendent of Schools complimented the Londonderry Police
113 Department (LPD) about their handling of a recent incident of lewd behavior at the Middle
114 School. He mentioned specifically Chief Joe Ryan, Capt. Bill Hart, SRO Officers, Chris
115 Childs, Adam Lane and Ed Warner, Det. Adam Dwyer and Officer Malloy. He wanted to
116 publicly commended them, gratefully appreciated what they did. He commented that the
117 schools work well with the Police Dept, and the Town Manager and he appreciates their
118 support.

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120 Reed Paige Clark III, Stonehenge Rd said old gym has handled 1000 people in the past. He
121 announced the Russian ballroom dance team and their interpreters will arrive in Boston
122 Friday and they will be at Town Hall Friday at 10:00 AM for a presentation ceremony. He
123 asked all the Councilors to be in attendance if they can.. Saturday at 6:00 PM they will be at
124 the Arthur Murray Dance Studio in Manchester. He requested someone from the Access
125 Center tape the ceremony and D. Grover said she would send one of her staff to video the
126 ceremony.

127 Gerard Adams, 64 Hall Rd. asked if Mr. Dudeck's conditions were still in effect. He said
128 that trailer trucks have removed junk cars from the property during regular business hours. If
129 they can do that during normal business hours why is there a need of a condition to move
130 them at 7:00 AM. Town Manager said it was part of the agreement, and the Council can
131 revisit this condition at the next license renewal process. It is the Town's intention that the
132 7:00 AM opening is for the purpose of transporting vehicles 5-7 consecutive days; vehicles
133 cannot be crushed until 8:00 AM. If Mr. Dudek does not adhere to agreement he will be in
134 violation.

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OLD BUSINESS

A. **Manpower and Succession Planning Report** - Councilor Farmer asked Town Manager Caron if there is a timeframe for the proposed Staffing Replacement Resolution. He responded he can put it on the agenda for the next meeting. Councilor Farmer stated that justifications for never reducing were listed a lot in the Manpower and Succession Plan. He would like to see results if we do reduce, what will the impact be. He used the Building Department as an example saying that a substantial amount of work done in that department was on phone calls. He spoke about the possibility of staff attending a course in Fort Wayne Indiana that would teach how to reduce work loads, streamline some jobs in Town Hall. He stated that the Town has held the line on staffing for the past few years, but the Town has more work to do. Councilor Farmer also said that he thought some people in the community have this training, have them come back with ideas. He suggested that Town Manager or Staff go to City of Fort Wayne attend the one day class and come back with suggestions. Councilor Bove asked if it was something that the Local Government Center (LGC) has looked at. Councilor Farmer said he saw nothing at LGC if it works out it could become a model for other towns. Town Manager Caron said he will research the program for the next meeting.

NEW BUSINESS

A. **Order 2007-15 – Relative to Expenditure from the Maintenance Trust for Recreation Purposes.** - Councilor Oswald read the first reading, second reading waived **made a motion to adopt. Councilor Bove second the motion..** Councilor Bove asked Town Manager Caron to explain why impact fees could not be used for this expenditure. He responded impact fees are used to finance facilities to expand services occasioned by increased development; trust funds are for improvements and maintenance items. Art Psaledas explained they have had a lot of problems fixing clogged sprinklers, and this investment will make it a lot less labor intensive. **Council’s vote 5-0-0..**

B. **Ordinance #2007-09 – Relative at an Amendment to the Municipal Code Title VI, Chapter XIII, Ambulance Fees and the Collection Thereof.** Councilor Oswald read the first reading, public hearing scheduled for 10/15. **Councilor Bove made a motion to move the Ordinance to a public hearing on 10/15/07; Second by Councilor Oswald.** Councilor Oswald asked Susan Hickey if she could find out what is going on with other communities, Derry, Salem, Hooksett, Windham, up the I-93 corridor. S. Hickey said she did check into garnishing wages; it was allowed, and Town Manager Caron explained the legal costs would outweigh the fees which would be recovered. Councilor Oswald asked S. Hickey to find out what is our burden of calls. Councilor Bove asked what was burden from MHT. S. Hickey responded town wide EMS calls were 1824, 260 were MHT. Of the 260 calls only 84 were transported. Councilor Wagner questioned if we were billed for the calls, Town Manager Caron responded we only bill when we transport. Councilor Bove asked how many of the uncollectible bills that comprised the \$245K were out of state and in state. S. Hickey responded she would find out. Councilor Wagner questioned if we use the collection agency will the individual’s social security show up in the credit report.. S. Hickey responded that the Town has two options, use a collection agency or report bad debts to credit bureau. With both options we can state what we want reported to credit bureau and credit agency. Councilor Oswald suggested

182 we explore use of credit cars and do we have payment schedules set up. S. Hickey
183 responded that Comstar takes credit cards and will arrange payments schedules.
184 Councilor Wagner asked what Comstar's fee is. Town Manager responded 7% of what is
185 collected. Collection agency has a 3% rate of success and charges 30% to collect.

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APPROVAL OF MINUTES

188 A. Councilor Farmer noted a mistake on line 7, delete Brian Farmer in attendance and
189 correct spelling error of his name on line 9. Councilor Oswald made a correction on
190 line 268, amount should be \$5M not \$5K, line 238 the vote should read 4-0-0 not 5-0-
191 0 vote. **Councilor Oswald made a motion to accept with corrections. Second by**
192 **Councilor Oswald. Councils vote 4-0-1, with Councilor Farmer abstaining.**

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OTHER BUSINESS

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A. Liaison Reports

196 Councilor Farmer said he attended the Recreation Commission meeting and heard tonight
197 most of the topic that was covered that night regarding Project Play. The Commission is
198 still dealing with continuing disagreements with conducts and disputes with two
199 organizations. Appropriate for the two groups in dispute to come to Council in a round
200 table forum in a non-public session. Councilor Bove asked if it would be a non public
201 session. Town Manager Caron responded he would need more information but it might
202 qualify. Councilor Wagner requested that the Town Manager verify it meets the
203 requirements for a non-public meeting.

204 Councilor Bove attended school meeting, and a presentation on special education space
205 needs. The School Department justified what they need and why. Housing Taskforce
206 meetings are very informative, recent topic dealt with affordable housing, do we have
207 housing people can come into town and rent. Important to look at our ordinances, our
208 needs have changed over time, Town's needs are constantly changing. Another idea was
209 to get a workshop going with land owners near MHT about getting rental units in area
210 and low cost housing. Lack of workforce housing is a problem in the state. The
211 Taskforce is working on a report of salaries and housing statistics in town. Town
212 Manager Caron stated that when Planning Department Director Andre Garron organized
213 a design charrette in 2003 or 2004, residential housing were planned next to MHT but
214 removed due to Airport noise levels. Councilor Bove said Auburn Road would be an
215 area for affordable housing. Also having a real housing authority like Manchester would
216 be another good idea.. Lots of things we need to look at in report. Councilor Oswald
217 asked when the report would be available, he responded at this point he does not have a
218 definite time frame.

219 Councilor Wagner attended the Budget Committee meeting they talked about reducing
220 departments and consolidation.

221 Councilor Oswald attended Traffic Safety Committee held earlier tonight, town wide
222 speed limit on Buttrick Rd. and fog lines were discussed. Leadership Londonderry had
223 their first meeting with 16 new members, next meeting on 10/18. Conservation
224 Commission met did design review on two properties and one session in non-public to
225 discuss Open Space. Attended two open houses, Harvey Industries and new Elliot
226 Urgent Care facility.

227 Chairman Paradis met with the Londonderry International Exchange Committee and they
228 are gearing up for the arrival of the Russian Ballroom Couple who will be arriving on
229 10/4. On 10/5 at 10:00AM they will attend a ceremony at town Hall. Heritage
230 Commission is reviewing Historic Properties Taskforce report, will have a workshop to
231 talk to owners of the properties to update them.

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233 Councilor Bove asked that the Ethics Committee issue be brought up again on 8/15/07

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235 **B. Town Manager's Report**

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237 Town Manager Caron established 10/25 as the interview day for the position of Fire
238 Chief. Goal is to interview 5-7 and then he will interview the top 1-3 candidates the
239 following day. Town Council is invited to be involved in the process. Once his
240 recommendation is made to Council they will interview the finalist. The interview
241 process will consist of 3 panels; community panel, consisting of citizens; employee panel
242 consisting of fire department employees and other department heads; and a professional
243 panel consisting of town managers and fire chiefs. At the end of the process all three
244 panels will share their general observations. Councilor Farmer requested that Town
245 Manager Caron give the Council a briefing of how he rated the candidates. Councilor
246 Wagner asked who was sitting on each panel. He responded that MRI was to staff the
247 professional panel, labor negotiator Bill Wardwell will be sitting on that panel. Steve
248 Young, John Farrell, Cindi Conley and George Herrmann, have all volunteered.

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250 The Town did file a petition with Superior Court regarding the petition to use Open
251 Space Funds to construct North/West Fire Station; the petitioners have until 12/6 to
252 respond. Hopefully, the Court will render a decision soon after.

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254 **ADJOURNMENT**

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256 **Councilor Farmer made a motion to adjourn at 8:55 PM Second Councilor Bove.**
257 **Councils vote 5-0-0.**

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260 **Notes and Tapes by: Margo Lapietro Date: 10/01/07**

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262 **Minutes Typed by: Margo Lapietro Date: 10/03/07**

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264 **Approved: Town Council Date: 10/15/07**

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