

TOWN COUNCIL
April 21, 2008

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

PRESENT: TOWN COUNCIL; Chairman Marty Bove; Vice Chairman, Brian Farmer; Councilors Kathy Wagner, Paul DiMarco and Mike Brown; David Caron, Town Manager; and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Chairman Bove opened the meeting at 7: 01 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC HEARING

Ordinance #2008-04 – Relative to Rezoning of Tax Map 7, Lots 132-1 through 132-20.

Councilor Farmer read the second reading and **made a motion to accept. Second by Councilor Brown.** Andre Garron, Planning & Economic Director reviewed the Ordinance. The design is a campus style retail development; proposal is to remove the POD removed, yet leave the property zoned as C-1. Al Baldasaro, 41 Hall Rd. said it is in the best interest of the Town. Chairman Bove said this was recommended by the Planning Board (PB). Vice Chairman Farmer expressed concern with the building size. A. Garron said it was one of the issues that came up at the PB hearing because it is one of the requirements of the POD that will not be met. Vice Chairman Farmer said he is concerned with POD setbacks and landscaping standards which make a development under POD more attractive. Councilor DiMarco asked how tall the 50,000 sf building will be. A. Garron said no taller than 45ft., 50ft. is maximum in POD. John Rufo from ArrowStreet (design team) said it will have a flat roof configuration anywhere between 20 and 24ft. building height. If it has a pitched roof eave will start somewhere from 20-24ft., height of pitch can be up to between 25-35 ft. in height. Councilor Wagner confirmed with A. Garron that staff believed this proposal met the spirit of POD otherwise they would not have been brought before the PB. Staff gave explanation of why POD was originally proposed as a tool to control development, with relatively stringent green space requirements. A. Garron said landscaping is thorough according to our site plan regulations. Councilor Wagner said the PB will have another review of the landscaping plan through the site review process. She said if this site plan is approved, it will only impact this development. She asked A. Garron if the PB waived POD for other properties on 102, Andre responded the Town Council did it for Elliott Hospital. Councilor Brown said the majority of the spirit of POD is upheld. He asked if we have a guarantee that sewer is part of the plan. A. Garron responded that was represented to the PB. Councilor Wagner responded we have conceptual site plan with sewer on it. Chairman Bove said the layout would have to be redone to add leachfields, would be a major change to what was presented, which is at variance with the language of tonight's ordinance. Councilor Brown said we have no guarantee of types of businesses that can go in there. He asked A. Garron what the 4 lane reconstruction will look like. Discussion ensued about location of stop lights and lanes. Art Rugg, PB Chairman said what we have is conceptual, the extra lanes are only turning lanes.

Tony Marcotte, Bedford Design Consultants said the sewer was always part of the proposal. The lane configuration is up to NHDOT, and traffic reports have submitted. It will be 4 lanes then being reduced to two in both directions. Councilor DiMarco said he is not concerned that traffic will be a problem, Councilor Wagner agreed, PB will do a good job. Councilor Brown said that the development will only have a small dollar impact on tax bill. Art Rugg, PB Chairman said that in terms of tax relief we have to look at every development collectively. Reed Paige Clark, III said he would like to see more business in Town. Chairman Bove complimented PB for responding to needs of community, well planned, will be a good for the area. **Councilor Wagner made a motion to accept. Second Councilor DiMarco. Council's vote 5-0-0.**

Resolution #2008-09 – Relative to the use of Map 11, Lot 46 as a Firearms Range. Councilor Farmer read, second reading, **made a motion to adopt. Second by Councilor Wagner.** Chief Joe Ryan said Londonderry Fish & Game (LF&G) Club has been very considerate and professional in providing use of their range. He displayed a map showing the location of the proposed range and indicated the closest residences that were 2,593, 2,994, 3,118 ft. away from range. Sgts Goodnow, Kearney and Lt. Gandia were in attendance. Councilor Brown asked what the hours of operation would be. Lt. Candia responded they would be during business hours 9-12 and 1-4, twice a day. Night shoots are in Oct or Nov. when it gets dark 5:30 to 6:30. Councilor Brown asked if other departments use the range will they follow the same schedule, Chief Ryan said they are required to respect our hours. Councilor DiMarco said that local public shooting ranges allow shooting 30 minutes before sunrise and 30 minutes after sunset. He said that private house for LPD would ensure that the general public does not observe shooting practice and he supports the resolution. Chairman Bove asked if they were putting in berms, Sgt. Gandia said they will have 20 ft. berms and proceeded to pass out a blueprint of the range to Council. Al Baldasaro, Hall Rd asked if pistols were being used and is land owned by the Town. Chief Ryan responded it is donated use land and pistols will be used on the 100 yards range. Art Rugg said all precautions have been done, perfect place for it. **Councilor DiMarco made a motion to accept Resolution. Second by Councilor Farmer. Council's vote 5-0-0.**

Councilor Brown made a motion to come out of Public Hearing. Second Councilor Wagner. Council's vote 5-0-0.

PUBLIC COMMENT

Budget Committee Member Tom Dolan presented a PowerPoint presentation entitled Overview of Strategic Business Development Planning, April 2008. He said the Budget Committee had not seen the presentation yet. He stated the presentation is a suggestion, a framework particularly for the Access Road/Airport area. The intent of his presentation is to shift the tax burden away from residential taxpayers toward industrial taxpayers. He said nobody in the state has attempted to develop close to a thousand acres of industrial property. He said that we should identify specific companies we want in this industrial zone and go after them aggressively. He talked about spec development, reviewed key actions, suggested speeding the approval process for this particular development. Chairman Bove said Council will look at it; will ask the Town Manager and A. Garron if there are any stumbling blocks. Councilor Farmer said his concern is the budget. Look at method of return of investment (ROI), change model we currently use, what kind of investment do we need to make to accomplish this. T. Dolan suggested that we get it ready for the next budget season. Councilor Wagner asked the Council

to let Andre give his presentation because he will address some of the issues brought up by Tom.

Reid Page Clark, III, Stonehenge Rd. asked Town Manager Caron if he had heard anything from the State about the intersection of Bartley Hill, Stonehege, Litchfield Rds. He responded it was advertised 4/15/08, utility work being completed this year, most of construction will occur in 2009.

OLD BUSINESS

FY09 Goals and Objectives. – Town Manager reviewed shared goals with staff,

1st goal – Staff had no additional input. Delay until Resolution is read tonight.

#2 Chairman Bove said goal is to save money, and he has not approached School Board as of yet. He stated we do not know what we want to do right now until concurrence has been reached among the Councilors prior to approaching School Board. Councilor Farmer stated this should stay in draft form until we approach school. We have to have dialogue to establish what the goal is, he urged that we begin dialogue with the school. Councilor DiMarco suggested stepping back, get with school in a joint meeting or talk to the Chairman of the School Board and see if they are interested. Councilor Bove said he will set up the yearly joint meeting with School Board and Budget Committee and it will be brought up. Councilor Wagner said the School Board already addressing it, approach N. Greenberg, make it a direction for the Town Manager to meet Nate and see what happens. Town Manager Caron said two municipal governments are involved, policy making bodies should first agree on a common goal and then assign their staffs accordingly. Chairman Bove said the School Board meeting is tomorrow night, and he will broach the issue at that time. Councilor Wagner said we need to get the dialogue started. It was agreed that this was a definite goal. Town Manager Caron clarified that the Town and the School District have collaborated in the past on a number of projects. This appears to be a move towards departmental consolidation of services, which requires policy input from both sides.

Councilor Wagner said #3 and #5 are close, and should be combined into one goal. Councilor DiMarco said he was not comfortable with a 2 person subcommittee for the Planning Board (PB), per state statutes they are a land use body. Councilor Brown stated that it should remain a goal, last year it was a Council goal. We should keep it because it is a one and half year goal and it has already been started. The Town should streamline the approval process, it is collaborative under Economic Development goal, there are no turf issues. Consolidating 3 & 5 is acceptable. Councilor Bove disagrees with the statement that it was a goal and nothing done, the Elliott project shows PB is taking message from Council where we want to go to be user friendly. Councilor Wagner said she would like to hear from the PB and Economic Development before we make a decision on the goal. A. Rugg stated streamlining the review process is part of the Master Plan (MP) recommendations; the PB has been working on streamlining for the past 3 yrs. A. Garron said a lot of things happen in Londonderry with a purpose. Overall goals: encourage investment & reinvestment in the community, increase revenues, expand & stabilize the tax base. We have a lot of work to do to make us business friendly. He spoke about enhancing our website; the Airport Access Road; developing a financing strategy to fund economic development. The Town can be more aggressive with who we want to attract. Councilor Farmer said we have to have more dialogue between PB and Council. He said we need to invest in strategic planning. Councilor Brown asked if we have feedback from business. John Farrell said the PB has moved from no rules to the other end of too many; the Board is working toward the

middle. A. Garron said feedback is mixed, ones who have problems are the ones who don't follow the rules. He also said there were not many incentives to fund Economic Development in New Hampshire. He will meet with Sue Hickey and the Town's financial adviser on 4/24 to see what financing options are available. Chairman Bove asked how interested are major land owners to help bring development into their property. A. Garron said he has been talking to major landowners at Access Road area for some time now. Councilor Brown said the intention of this goal has been to collaborate with Staff and others to do what we are talking about. Councilor Farmer said policy direction is to go forward, but we don't fund them. Suggested that PB come forward during budget season to give them a list of things they need. Councilor DiMarco said he would like to have a joint meeting with PB on a regular basis. Councilor Brown suggested money be re-directed to Planning & Economic Dept. Councilor Wagner said we have to develop a plan and strategy, have to commit money. She would like meetings to talk to property owners by 6/30/08 to see what they want to do. Sees it as a necessary direction to make that goal. Need staff, representative from PB and representative from Town Council to meet with landowners, don't have time to wait. Town Manager Caron said staff needs specific information regarding infrastructure cost before meeting. He stated that we are currently in the middle of that process. A. Garron said we are close to finalizing that information. We need to have the infrastructure costs before meeting with the property owners. Councilor Wagner said we have to educate the public to pass the bond for \$14M. The Town should bring it into CIP and budget process this year, and make a formal presentation at the March, 2009 Town Meeting. J. Farrell said we need supporting services and wants and needs of community throughout the entire Town, not just in one area. Discussion ensued about the CIP goals. Councilor DiMarco said the next MAA meeting is tentatively scheduled for 5/22 and they will be touring the Access Rd., he also said there is a potential of rail service. Councilor Brown said if all is on the voters it will not work, we need to partnership with someone to mitigate the cost. Councilor Wagner said if we do not get the support of the property owners we will not convince the taxpayers. A. Garron said the MP of 2004 touched on everything we talked about tonight. Year One Goals are to: market and promote Londonderry's Economic Development Areas; assess and develop a regulatory strategy to advance Londonderry's economic development initiatives; develop a financing strategy to fund economic development.

Chairman Bove told A. Garron that we need a marketing plan for funding for Econ. Dev. Need your vision on what we need to work on, identify a list of other areas, list next 5 things you think we should develop. We need to schedule a joint meeting for Housing Taskforce to see what they are proposing. Would like to see all this done in May. It was decided to have the joint meeting on Monday night, 5/12. The consensus was to delete goal #3 because it is in the process now and keep #5 goal.

#5 Councilor Wagner said infrastructure pricing needed by September before budget season. Town Manager Caron said presentation for next town meeting is a good idea. Councilor Wagner said it might happen in stages, have to plan ahead. Al Baldasaro said he would open up lines with state representatives. Copies of Housing Taskforce Report to be delivered to representatives per Chairman Bove. Report shows we as a community are dealing with the issue.

#4 Town Manager suggested moving deadlines date to 6/30 for three departments.

#6 Councilor Farmer talked to the Conservation Commission and they agree to have a strategic plan for Open Space Task Force. They are willing to have a dialogue about funding.

Operating Conditions – Murray’s Auto Recycling: Town Manager Caron presented a draft of operating conditions, which he attempted to develop based upon comments made by the Councilors at the March 17 meeting. It is based upon last year’s document, the bold italics wording is new language, the strikeouts are deletes. Frank shared a copy of these conditions with Mr. Dudek last Thursday.

Changes involved:

Item #2 – Incorporates statutory language that a solidly constructed fence at least six feet in height be in place which substantially screens the area.

Item #5 – Mr. Dudek no longer interested in opening at 7:00 AM at certain times through the year to transport crushed vehicles. He wants to revert to previous times of opening at 8:00AM on Saturday.

Item #8 – Failure to comply will result in fines per RSA676:17 and may be considered by the Town Council when determining license renewal, per RSA 236:121 II. Prior Council meetings stated that Council wanted to treat this facility the same as other facilities in Town. These changes reflect how the Town manages code enforcement.

Councilor Farmer said there was an e-mail sent out by Chairman Bove about reviewing code enforcement issues in general. Town Manager requested guidance whether to schedule a stand along workshop, or incorporate it into a regular meeting. Councilor Wagner said she wants a workshop, with no public comment. Discussion ensued as to whether or not it should be part of a regular Council meeting or a separate workshop. It was suggested to schedule workshop meeting after the public segment of the Council meeting scheduled for 5/5/08. Councilor Brown said separate workshop is more productive. The Council concurred to discuss on 5/5. Councilor DiMarco clarified the new hours are Monday through Saturday 8-5, Councilor Bove said he was correct. Chairman Bove said this item was not a public hearing but he would listen to Richard Belinski. R. Belinski, 41 Hall Rd said he asked for a copy of the new agreement from Frank Holdsworth. He stated there were compliance issues over the past three weeks that never got resolved. Fencing was originally in place but didn’t work because problem with 6 foot fence. It should be at least 6 feet, substantially built, solidly built. The other junkyards are not in compliance with that item and he cited Hill’s. Fabric is not solidly built. Councilor Farmer **exercised his Councilor’s objection** on this item tonight and asked that a copy be provided to Mr. Belinski to review between now and our next meeting, At this point in the meeting Chairman Bove handed Mr. Belinski a copy of the conditions.

NEW BUSINESS

Ordinance 2008-05 – Relative to Rezoning of Map 15, Lot 96, Clark and Jacks Bridge Road. Read by Councilor Wagner, second hearing scheduled for 5/05. **Motion to move to second reading by Councilor Wagner. Second Councilor Brown.** Councilor DiMarco abstained from voting because the property owner is a co-worker and a personal friend will recuse himself from the public hearing. **Council’s vote 5-0-1, with Councilor DiMarco abstaining.**

Ordinance 2008-06 – Relative to Amendments to the Zoning Ordinance Regarding Temporary Structures and Minimum Lot Sizes. - Read by Councilor Farmer, second hearing scheduled for 5/05. **Motion to move to second reading by Councilor Farmer. Second Councilor DiMarco. Council’s vote 4-0-0 (Councilor Wagner was not in the room when the vote was taken.)**

Ordinance 2008-07 – Relative to an Amendment to the Municipal Code, Title V, Reorganization of Departments Councilor DiMarco read first reading, second reading scheduled for 5/5/08. **Councilor DiMarco made a motion to move to public hearing. Second Councilor Farmer.** A. Garron recommended that the department be known as the “Community Development Department”. Staff also took this opportunity to revise the code to reflect the correct legal standing of the library; it is an independent department. D. Caron estimated savings would be about \$30K, which may change depending upon the benefits package of the new employee. Councilor Wagner suggested that copies not be made again for second reading, Councilors will retain the first reading copies and use them at the second reading. Councilor Farmer asked if Code Enforcement was being moved in with the Fire Dept. Town Manager Caron responded no, the position listed in the Ordinance was for the Fire Marshall position. Councilor Farmer questioned if the Library was completely deleted. Town Manager Caron responded the Library was a separate department located at the end of the document. Councilor DiMarco noted that some committees were not listed under Boards, Committees and Commissions. Town Manager Caron responded Ad Hoc committees are not listed, just standing committees. **Council’s vote 5-0-0.**

Resolution 2008-07 - Relative to a Partial Mortgage Discharge at Wagon Wheel Cooperative – Councilor Farmer read the first reading, with the second reading waived. **Councilor Farmer made a motion to accept. Second Councilor Wagner.** Open for discussion. Councilor DiMarco clarified that this allowed taking a piece of land. Councilor Farmer questioned if the people at Wagon Wheel were aware of this taking, he responded they support this action; Wagon Wheel Coop will be compensated \$20,000 by the State for the taking. **Council’s vote 5-0-0.**

Resolution 2008-08 – Relative to a Transfer of Funds from the Health Insurance Holding Account – Councilor Farmer read first reading, second waived **motion to adopt. Second Councilor Wagner.** Open for discussion. Councilor Brown asked if the appropriation was to fund the program for two years, Town Manager Caron responded yes. **Council’s vote 5-0-0.**

Order 2008-11 – Relative to a Withdrawal from the Capital Reserve Fund for Sidewalk Snow Removal Equipment. Councilor Farmer read the first reading, second reading waived, **Motion to adopt. Second Councilor DiMarco.** Open for discussion. Chairman Bove asked the Town Manager if this will jeopardize the grant we received, he responded no. **Council’s Vote 5-0-0.**

APPROVAL OF MINUTES

Minutes of the Council’s April 7, 2008 Public and Non-Public Meeting.

Councilor DiMarco had corrections to line 180, reads “Elderly” should read “Elder Affairs Committee.” Line 195 reads “Troup” should be “Troop”. **Councilor Wagner made a motion**

to approve the April 7, 2008 Public minutes with corrections. Second Councilor DiMarco, Council's vote 4-0-0, with Chairman Bove abstaining.

Councilor Wagner made a motion to approve the Non-Public Meeting Minutes of 4/7/08. Second Councilor Farmer. Council's vote 4-0-0, with Chairman Bove abstaining.

OTHER BUSINESS

Liaison Reports –Councilor Wagner attended the PB meeting, discussed Master Plan survey, working with UNH for telephone survey. Alternate position was reviewed. Historic zoning changes will be reviewed. Stonewall preservation approved, a book will be put in Town Hall for developers to follow. Went on ride with Frank Holdsworth to look at all junkyards. Old Home Day Committee nominated Betsey McKinney as the Grand Marshall this year, theme is “Apples, Pumpkins, Family and Friends, Oh My”. Warm Homes benefit dinner is 5/3/08 at 7:00 PM at Lions Hall.

Councilor DiMarco - MAA will have offsite tour of Access Rd. project on 5/22/08. Sound Insulation project still continues, approximately 18 eligible homes in Londonderry. One Delta Dr. property is being purchased by MHT because it is located in the airport protection zone. ALERT conducted a chain saw training session by LGC. Line search and GPS training will be held in the Musquash this weekend.

Councilor Farmer said Conservation Commission met, an agenda item is needed for 5/5 to receive Council approval for a purchase in Watts Brook area. Cons. Comm does want to talk to Council about going forward with Open Space. Arts Council met, “Art in Action” event scheduled for 5/3 & 5/4 at multiple sites from 10:00 AM – 4:00 PM. Heritage Commission conducted a site walk through the Town Forest. Public hearing will be held on 5/22 with Heritage Commission, potential funding sources will be put on a future agenda, has to be adopted at Town Meeting.

Councilor Brown attended the ZBA met last Wednesday had only 2 cases; chairman notified him that it did not require Council attendance. He will attend Budget Committee meeting this Thursday.

Councilor Bove attended installation of officers at the American Legion, and gave a speech. Participated as observer at South School for Wizard of Oz. Beautify Londonderry continued this weekend and next. He said he saw volunteers on South Rd. , they cleaned it, went by again and litter was dumped again. Knights of Columbus conducting annual Tootsie Roll Drive on 5/2 and 5/3. He requested that A. Garron give Council copies of Housing Workforce Report ahead of time to read.

Town Manager's Report - Town Manager Caron informed the Council that despite the economy the Town budget still tracking OK, revenues to date are on par.

Senate passed HB1652 which finally reimburses the Town for the 12½% share of flooding costs from 06-07. The Town should receive revenues of between \$85-89K soon. These funds can revert into the General Fund, or recognize it as unexpended revenues and apply to a purpose. Recommendation is to usually put in it in the General Fund, but recommends consider using for police communication system which is now failing. Estimated cost to replace that is \$360K.

Will return to Council on 5/5/08 with different options. Combination of using any funds not expended in this year's budget and then using a short use/purchase arrangement with a no funding clause which means the future town meeting does not fund the payments, the equipment is returned. Chairman Bove asked about the cell tower, he responded still waiting for FAA to OK location study.

Board/Committee Appointments/Reappointments/Resignations

Re-Appointment of Laura El-Azem to replace the vacant position of Paul DiMarco on the Planning Board as a Full Member. Term to expire 12/09.

Councilor Farmer made a motion to appoint. Second Councilor DiMarco. Council's vote 5-0-0.

ADJOURNMENT

Councilor Wagner made a motion to go into a Non-Public Session at 10:55 PM pursuant to RSA 91-A: 3 II (A). Second Councilor DiMarco. Aye, Councilor Wagner; Aye, Councilor DiMarco; Aye, Vice Chairman Farmer; Aye, Councilor Brown.

Notes and Tapes by: Margo Lapietro Date: 04/21/08

Minutes Typed by: Margo Lapietro Date: 04/24/08

Approved: Town Council Date: 05/05/08