

TOWN COUNCIL MEETING
April 04, 2011

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

PRESENT: Town Council: Chairman Sean O’Keefe: Vice Chairman Joe Green; Councilors: John Farrell, Tom Dolan, Tom Freda; Town Manager Dave Caron; Executive Assistant Margo Lapietro.

CALL TO ORDER

Chairman O’Keefe opened the meeting at 7:00 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC COMMENT

Chairman O’Keefe announced the schedule and location for mosquito spraying. If a land owner did not want their property sprayed he gave them the contact information which is also on the website. Bob Ramsay talked about ruts created by logging skidders that are filled with water and asked if they would be targeted. Town Manager Caron said he would look into it.

National Public Safety Telecommunications Week – Londonderry Police Capt. Bill Hart said that next week is a National Public Safety Telecommunications Week. He talked about a call that dispatcher Bob Jones received involving a suicide attempt that was called in by a 14 year old. Bob Jones as the first responder handled the call in a calming, professional way and the end result was good. Chief Hart said the dispatchers receive calls of this stressful nature all the time. He said he had a taped recording of the call and invited the Councilors to listen to it. He thanked the Councilors for their support. The Chief proceeded to presented awards to: Bob Jones, Barbara Jones, Cindy Tuck, Maria Schacht, Jason Pinault, and Cindy McCann the Dispatch Communications Supervisor who is retiring this November.

Councilor Farrell said he recently observed our people going to Litchfield, and seeing the Hudson ambulance there. He said he didn’t understand it so asked about it. He found out we send out 2 paramedics on our ambulances. When we call for mutual aid we seem to call Derry first because they also have 2 paramedics on an ambulance. We had to go to Litchfield to assist Hudson because they didn’t have paramedics on duty like we do; they don’t staff the way we do. We have the same level of service as Derry with trained paramedics. He said it is good to know our community is trained in advanced life support.

Victims’ Rights Week - Chief Hart said next week is also National Victims Rights Week. On 4/12/11 the Governor and Attorney General Delaney will hold a press conference to officially announce it and also a memorial service will be conducted later that day. He commented that one of the important aspects of the Londonderry Police Department is the advocacy of victims.

Board/Committee/Commission Updates

Traffic Safety Committee – Chairman Bob Ramsay spoke about the origins, the responsibilities and the membership of the committee. He said they are the liaison for the townspeople to come to the committee to air their grievances. In order to receive some of the grants for the Police and Fire Departments the committee has to approve the grants. Councilor Farrell asked how a person would bring a problem to the attention of the committee and B. Ramsay explained the process.

Planning Board – Chairman Art Rugg said the activity this year is a reflection of the economy, it had decreased activity. The upcoming year will be busy; there have been additions to the industrial/commercial capacity. The Capital Improvement Program is working well and is a streamlined process. Workforce Housing has been worked on for the past 2 years and he explained what has transpired. Single family housing has declined over the past few years. The Economic Development website has been re-worked making it easier to use for developers. The design review and regulatory process has been streamlined by the Planning Board. The North West Small Area Master Plan has been implemented. He talked about the area around Exit 5 in the Performance Overlay District, and the proposed 159 residential units off of Old Derry Rd. consisting of 211 acres of which 102 will be left as open space. He talked about working with the land owners in the area by the airport which is a mix of industrial and commercial use known as the “Gateway Business District”. Mixing both residential and commercial in the Planned Unit Development was discussed. He also mentioned the Woodmont Commons development which is a major impact to the town. He said they are looking into input from the townspeople. Growth Management was also accomplished and discussed. Open for discussion. Councilor Dolan asked if the developer of Woodmont Commons is breaking ground in 2011 as they indicated in the beginning – A. Rugg responded that was a far off target. They have to do the Master Plan before anything can be done. The designs that we have seen are what they are proposing it is not what the Planning Board is looking at; it is a lot of speculation. Councilor Dolan asked about the two primary land owners at the Gateway concept; what is their eagerness or willingness to begin that development as the Access Road nears completion. A. Rugg responded both landowners are very supportive, once the road is open their land will be more valuable. Councilor Farrell said he had the opportunity in February to have a conversation with Gov. Lynch and he is behind the Pettengill Road project. He said the Impact Fees update has been worked on by staff and the Planning Board. The Planning Board is starting the Master Plan process and will have more meetings. Councilor Freda said he and Councilor Green attended meetings held on Saturdays at Woodmont and asked about the possibility of them being taped. T. Thompson stated that he had asked the Cable Director and they were looking into it. Councilor Dolan said he met with Sen. Ayotte and asked her about the Pettengill Rd. project and the availability of federal help for road work. She said she was not in favor of any earmarks; she was following the project very closely and was impressed with what Sen. Carson was doing at the state level. Andre Garron, Community Development Director said he and the Town Manager have met with Congressman Guinta who is interested in this project as well and submitted a letter of recommendation for our application that we have for Economic Development Administration funds for the sewer portion of the Pettengill Rd. project. He clarified that there are 4 primary property owners in the Pettengill Rd. area. They are the FAA, the King Family, Nash/Tamposi and the airport. They comprise the 838 acres and have been very supportive of the project in the past 11 years. There is also a lot of interest in business groups with that area. He stressed that getting funding for Pettengill Rd is vital.

Heritage/Historic Commission – Chairman Rugg explained there are 5 pieces of property in town that are in the Historic District: the Town Common, Town Woodlot at the Town Forrest, the Historical Society properties which include the Morrison House Museum, Grange #44, and 2 Litchfield Rd. He explained the zoning process that is involved with any changes being made to those properties. He talked about the work done this year on the Town Common and the fact that they are involved a great deal with the design review process generated from the Planning Board. He explained they are a certified local government and can apply for grants. They are trying to update their property list and mentioned it would be a good Eagle Scout project and proceeded to explain what the attributes are to preserve a historical piece of property. They are also working on legislation for historic properties. The entire Council thanked Art Rugg for his many dedicated years to the town.

Town Planner Tim Thompson informed the public that April is Autism Awareness Month. He explained that the Joint Loss Management Committee is organizing an “Apple Blossom Walk for Autism” on 5/1/11 and encouraged people to participate in it.

PUBLIC HEARING

Councilor Farrell made a motion to open the Public Hearing, second Councilor Green. Council’s vote was 5-0-0.

Resolution #2011-04 – Relative to the Discontinuance of a Portion of Scobie Pond Road

Councilor Green made a motion to accept, second Councilor Freda. Applicant Jonathan Ring and Attorney Anne Crotty from Jones & Beach Engineering as well as Dave Losi from Chinburg Builders were in attendance. J. Ring explained the section of the road was discontinued subject to gates and bars at the Town Meeting in 1932. They are petitioning the Town to abandon all public rights and completely discontinue the remaining Class 6 portion of the road between the end of Woods Avenue as it exists today and Brewster Road at the south side. Most of the road crosses the Lorden property and indicated the location on a map. Anne Crotty said this road has not been used for public access since 1932. Tim Thompson, Town Planner said this road was discovered during the design review process, it does not appear on any maps for many years; it was discontinued since 1932 and no one is using the road for access at this time. Councilor Dolan asked if any abutters have concerns. J. Ring said not that he has heard but there might be some in attendance tonight. Councilor Green asked J. Ring if they had contacted the abutters, and he responded not directly, no. The Town Manager interjected that all the abutters were notified by certified mail. John Wegler, 74 Page Rd. said he owns land next to it and the road runs through it and it is the only access he has to that road. J. Ring said he was proposing the entire road but it was his understanding that he would still retain his private access into his property. The public rights for the public to pass through would be discontinued. J. Wagler said he would prefer to keep it public right now. J. Wegler asked what was the purpose of closing it; J. Ring responded it is not being used at that end. Councilor Farrell said he and J. Ring should have a conversation to work it out before this Resolution should be considered. Eugenia Snyder a transmission real estate agent from PSNH said they use that road to access the transmission line corridor primarily to avoid the wetlands. They would have some concern about how they will be able to access the area. A. Crotty said under the statute all existing utilities rights remain. E. Snyder responded that their utility rights are for the corridor not specifically for the access road. They own the lot directly under Mr. Wegler and they come up Brewster Rd. into the land in question. Chairman O’Keefe said Councilor Farrell was correct they should

come back to us after they discuss it. Jim Wallack, 30 Brewster Rd. said Brewster Rd. was the oldest continuously used dirt road in the country. He talked about the wildlife in that area and said there has been some logging done over the past few years. Town Manager Caron suggested that Council continue the public hearing to 4/18/11. Councilor Green said it important to know the result of the meeting with the abutters. Councilor Farrell said that is outside of our purview; the procedure is they come to an agreement and come back to Council. **Councilor Farrell made a motion to continue the public meeting to 4/18/11, second Councilor Dolan. Council's vote was 5-0-0.**

Ordinance #2011-02 – Relative to an Amendment to the Zoning Ordinance to Reflect Updated Traffic Impact Fee Methodology/Corridor Study and to Establish New Rates.

Councilor Freda made a motion to adopt, second Councilor Green. Town Planner, Tim Thompson said the last time the impact fees on this section of Rt. 28 were updated was 2/01. The development traffic studies and cost of corridor improvements have increased since '01. He said he is amending the impact fee and methodology and that section of the zoning ordinance that references it. They are utilizing those updated corridor improvement studies from Stantec and NHDOT to simplify our impact fee calculations and to account for the expected cost improvements escalation in our impact fee structure. He proceeded to review the section of the Ordinance being updated. The area is made up of about 600 acres of which 400 acres are developable. He used the 2011 year for base trips and reviewed the Travel Demand Forecast and talked about the peak hour traffic up to 2021. They have calculated that there would be about 4K new PM peak hour trips generated by these areas. 45% of that traffic is the volume that there is today, 16% is the anticipated background growth that would appear naturally and 39% would be generated for the estimated future traffic. The estimated cost to the corridor for improvements would be about \$19.9M. The Planning Board recommended a 3.5% fee escalation for each year past 2011 so we don't find ourselves where we are 10 years behind again. He reviewed the corridor improvements costs that escalate to 2015. He reviewed the Impact Fee/Improvements Fee and talked about implementing the fee. He reviewed the proposed incremental implementation of 50%, 75% and 100%. Councilor Dolan asked how this fee compares to other communities. T. Thompson responded it is very difficult to do a comparison. Community Development Director Andre Garron said this methodology has been around for quite some time and is the same in most communities. Councilor Dolan asked how we compare in impact fees with other communities, would it tip the scales with someone debating coming into our town. A. Garron said we are comparable, if the developer makes improvements to the corridors that are consistent with our plans with offsite improvements we will not charge them an impact fee, they will get credits. Councilor Dolan recommended if we hear comments about Londonderry we should hear the feedback. T. Thompson stated that the studies he has read reflect the fact that impact fees are not a priority item with developers or with people who are looking to relocate a business. Councilor Freda asked when they collect the impact fee. T. Thompson responded it is determined at the Planning Board level when the Traffic Study is reviewed and approved by the Planning Board. When the builder gets a building permit they are required to submit a form that calculates all the impact fees. At that point the Building Department and Community Development Department will assess the fees at that time; they are due and payable prior to the issuance of a Certificate of Occupancy. Councilor Green spoke about the 3 suggested plans for implementing the fees and questioned why alternative plan #3 was not chosen. A. Garron responded alternative #2 was chosen because it was less aggressive implementing the scale. Councilor Green said he preferred alternate plan #3 because it would be more aggressive if we needed the money up front. Mary Soares, Planning Board member said the board chose

alternative #2 because we have not raised our fees in 10 years and we are trying to make up for something that has not happened. The market right now is to pay the 100% right away. We are playing catch up so do it in a reasonable way which is offered by alternative #2. Councilor Green said if it is too aggressive we will lose business. M. Soares responded a developer would look at it as an incentive. Other towns are already at 100% so we are not. T. Thompson said he is proposing how we implement the impact fee assessment, right now we have two different ways we do it and it is very intricate. This update can simplify things with the new methodology. M. Soares said if the impact fee does not cover the cost of roads we have to make up the difference. Councilor Dolan asked if there was feedback from the public, T. Thompson responded none. Councilor Farrell said if the developer does not pay the Town would have to pay for the improvements. The roads do get built this is the best negotiating tool the Planning Board has with the developer. If we don't do something we will lose money. Art Rugg, Planning Board Chair said this Ordinance was all developed in-house by staff and he congratulated them for their work because it didn't get outsourced and cost the taxpayer money. Chairman O'Keefe said he agreed with Mary we are playing catch-up, the developer should help fix the area because they are adding to the traffic. **Council's vote was 5-0-0.**

Councilor Farrell made a motion to close the Public Hearing, second Councilor Dolan. Council's vote was 5-0-0.

OLD BUSINESS

None

NEW BUSINESS

Order - #2011-05 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects – Councilor Freda made a motion to adopt, second Councilor Green. Councilor Dolan asked the Town Manager when the bill for the repair of the library roof will come, he responded in the summer. Councilor Green asked if the roof warranty was looked at yet. Town Manager Caron said they will investigate it; the probability of collecting does not look good due to the age of the roof. He said he is not planning on receiving any money so we are setting aside funds in the trust fund to pay for the work. **Council's vote was 5-0-0.**

APPROVAL OF MINUTES

Councilor Farrell made a motion to approve the Public Meeting Minutes of 03/21/11, second Councilor Freda. Council's vote was 5-0-0.

OTHER BUSINESS

Liaison Reports – Chairman O'Keefe met with the Traffic Safety Committee tonight, they had a discussion about parking signs at the new Market Basket.

Town Manager Report – Town Manager Caron said there is an Open House at the new North/West Fire Station on 4/16/11 from 1:00 – 3:00PM. The Senior Affairs Committee has appeared in front of Council in the past regarding building affordable senior housing on Sanborn Rd. which is town owned land. It was a former junk yard and the area has been remediated. Sarah Landry the Senior Affairs Director was notified that the funding for the project is looking

quite favorable at this point. They want to come back to the Council about the land transfer and support for a Community Development Block Grant. They will come in on 4/18/11 to talk about the beginning of that process including obtaining a letter of support from the town to HUD for that project. We talked about updating the Municipal Code most of the Chapters from Title I were sent to Council for review. Councilor Freda raised the issue of what our rules of procedures are. Within Title I there is currently a requirement that we use Roberts Rules of Order. Our Town Counsel advised us not to do that because there are some many different variations. Town Manager Caron said he is envisioning something similar to the Ethics Code, which is essentially a compilation of current practice and the requirements in either the Municipal Code or Town Charter. Once Council reviews this in conjunction with the Municipal Code you can adopt the rules of procedure and every year the new Council will review it to either re-adopt or change. Title III is the Zoning Ordinance and since the Planning Board does that on an ongoing basis and it is then approved by the Council he does not see any need of working on that section. Town Manager Caron said he hoped to have Title I at the first meeting in May; it is lengthy and Council can determine if they want a public meeting on the entire title or in segments. Councilor Dolan asked if we have a demolition schedule for the old N/W fire station. Town Manager Caron responded we did find some asbestos and the bid was awarded to the 2nd lowest bidder. Due to the fact that the bid did not include the removal of asbestos he said he will have to go back and re-negotiate with the bidder. All of that will be done by the end of this month or the beginning of May which will give us enough time to remediate the soils underneath to receive reimbursement from the state. We have enough time for the June deadline for NHDES reimbursement.

Board/Committee Appointments/Reappointments –

None

ADJOURNMENT

Councilor Freda made a motion to adjourn at 8:45 P.M., second, Councilor Green. Council's vote was 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 04/04/11

Minutes Typed by: Margo Lapietro Date: 04/06/11

Approved; Town Council Date: 04/18/11