

**TOWN COUNCIL
AGENDA
September 21, 2009**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. *All regular meetings will be adjourned by 10:00pm unless otherwise notified.*

7:00 PM

I. CALL TO ORDER – PUBLIC SESSION

II. PUBLIC COMMENT

- A. Joshua Kahn - Fee Waiver, Itinerant Vendors, Hawkers, Peddlers

III. PUBLIC HEARING

- A. Order #2009-14 - Relative to Establishing a Charter Commission to Establish Official Ballot Voting

IV. OLD BUSINESS

- A. Economic Development Update – Andre Garron and Gary O’Neil

V. NEW BUSINESS

- A. Order 2009-15 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects

VI. APPROVAL OF MINUTES

- A. Minutes of Council Public Meeting of 8/31/09

VII. OTHER BUSINESS

- A. Liaison Reports
B. Town Manager Reports
C. Board/Committee Appointments/Reappointments
 1. SNHPC Regional Economic Development Steering Committee – Don Moskovitz and Steve Young, members; Deb Paul, alternate

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, October 5, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- B. Town Council Meeting, October 19, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- C. Town Council Meeting, November 2, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- D. Town Council Meeting, November 16, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM (Budget Presentation)
- E. Town Council Meeting – Budget Workshop, Saturday November 21, 2009, Moose Hill Council Chambers, Town Hall, 8:30AM
- F. Town Council Meeting - Budget Workshop, November 23, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- G. Town Council Meeting - Budget Workshop Follow-Up, November 30, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM

First Reading: 08/31/09
Public Hearing: 09/21/09
Adopted: xx/xx/xx

ORDER 2009-14
AN ORDER RELATIVE TO ESTABLISHING A CHARTER
COMMISSION TO ESTABLISH OFFICIAL BALLOT VOTING

WHEREAS Towns in New Hampshire have been granted authority by the State of New Hampshire to determine its specific form of government; and

WHEREAS RSA 49-B:3, VI, allows communities to establish a charter commission for the sole purpose of considering whether the Town should adopt official ballot voting; and

WHEREAS the Council is interested in learning whether citizens are interested in this form of budget voting under the current Town Council form of government;

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the following question shall be submitted to the voters on March 9, 2010:

“Shall a charter commission be established for the sole purpose of establishing official ballot voting under Londonderry’s current Town Council-Budgetary Town Meeting form of government?”

Michael Brown - Chairman
Town Council

Meg Seymour

Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
09/21/09

Londonderry Economic Development Plan

Summary of Action Items

A. Town Council arrange a meeting with key local stakeholders to help create the Economic Development Vision

Timeline: September 2008 to December 2008

PREVIOUS: Luncheon with area stakeholders held on 10/15/08; more to be scheduled during the Pettengill bond process; some of this work is being accomplished in the marketing plan

July 13, 2009: **This goal is no longer relevant.** The purpose of this action item was to create a shared vision amongst our community leaders of where Londonderry wanted to take its economic development strategy. Given that we are proceeding with our marketing strategy, development of the Pettengill Road area roadway plans and funding of the Page Road/Route 28 intersection, I think it is safe to say Londonderry's economic development strategy is moving forward. Our next opportunity to revisit this action item is when we update our master plan in 2011/2012.

Cost: Funded from FY09 Community Development Budget

B. MRI has begun an audit of Londonderry's review process. The goal of the audit is to identify the inconsistencies and points of conflicts within Londonderry review process, to better serve the development community but not undermine the integrity of the design regulations.

Timeline: July 2008 to November 2008

PREVIOUS: *Project completed 1/29/2009*

Cost: Approximately \$8,300.00, funded from the FY08 Town Manager and General Government Budgets

C. Complete the Small Area Master Plan for North Londonderry and actively work towards implementing those recommendations consistent with Economic Development goals.

Time line May 2008 to January 2009

PREVIOUS: No new information. Planning Board will hold a second public hearing on Sept. 9 to hear additional comments and to review some of the new recommendations suggested at the July 1, 2009 hearing

September 21, 2009: Planning Board adopted the Small Area Master plan as an amendment to the 2004 Master on September 9, 2009. **Project Complete**

Cost: \$32,000 paid for by CTAP funds (\$15,000) and CD Budget (\$17,000) – Resources include in-house staff, the University of New Hampshire and Southern New Hampshire Planning Commission.

D. Adopt the Flexible Industrial District regulations within the Pettengill Road area.

Timeline: August 2008 to December 2008

PREVIOUS: Draft completed, staff is reviewing to insure that it is consistent with input received over last two years. Staff presented draft at the Planning Board's September 9 meeting.

September 21, 2009: Board felt staff was headed in right direction and wanted an ordinance that could be applied to other areas of town. Staff will try to have ready a draft for a public hearing scheduled on October 14.

Planning Board will strive to schedule its public hearing on Nov. 12

Cost: Minimum legal expense; project to be completed in house

E. Update Londonderry Economic Development website integrating ED best practices.

Possibly use the ED work to improve our overall site – Feedback from site selectors and industry requires Londonderry to develop a top-notch site.

Timeline: September 2008 to March 2009 (Grant deadline is December 2008)

PREVIOUS: As the marketing piece work its way towards concluding, Londonderry's website consultant, Silvertch, Inc., will begin integrating the message developed in the marketing phase into the new ED website. Gary O'Neil and staff have been actively working with our website consultant on developing a wire frame (Draft layout) of the proposed site.

September 21, 2009: Staff continues to work with its consultants towards integrating our message into the website. Gary O'Neil and staff are working with Silvertch to layout website and determine what information should be on it. Project is still on track.

Cost: \$10,000 to 20,000 – Will seek DRED Economic Development grant to pay for half. CD Department Budget will fund the balance.

- F. Update Londonderry website with a site selector property search tool specifically targeting Londonderry's commercial and industrial development areas. Final product will be work into overall upgrade.**

Timeline: May 2008 to October 2008

PREVIOUS: *Project implemented and completed.*

Cost: \$10,000-2003 GIS Appropriation used to fund this project

- G. Actively market Londonderry's development areas. Participate in selected trade shows to make direct contacts. Have annual business luncheons to maintain contact with business community. Hire a marketing and promotion firm to help get the word out about Londonderry. Create a taskforce to help market and promote Londonderry**

Timeline: September 2008 to June 2009

PREVIOUS: The Economic Development Taskforce met on Thursday, June 25, 2009 at which they received an update on the status of Londonderry's marketing strategy. The Planning Board invited Mr. Gary O'Neil to its meeting for the same update

September 21 2009: Marketing Consultant, Gary O'Neil to present strategy.

Cost: \$5,000 to \$50,000 – This action item is in its development phase, thus resulting in a wide-ranging cost estimate. ***FUTURE COSTS – AMOUNT AND SOURCE NEED TO BE IDENTIFIED.***

- H. Rt. 28/Page Road Intersection upgrade was found to be an important component in the active development of the Exit 5 and Pettengill Road areas.**

Timeline: August 2008 to November 2009

PREVIOUS: On June 9, 2009, NHDOT provided feedback on the studies submitted to them.

They've given the Town the green light to proceed to final contract plans.

Town was notified of receipt of \$1.05M in ARRA funding, therefore the State will pay 100% of the first \$1.0M in construction costs.

July 13, 2009: No new information. The Town still proceeding with the project in accordance with the approval received from NHDOT on June 9, 2009.

September 21, 2009: Plans are into NHDOT to proceed to construction

Cost: \$1.750 Million paid for by 2/3 State funds and 1/3 Town funds

- I. Invest in Mass Transit to key development areas in Londonderry.**

Timeline: July 2010 to June 2015

FUTURE GOAL

Cost: \$10,000 to \$50,000/year. This action item is in its development phase, thus resulting in a wide-ranging cost estimate. ***FUTURE COSTS – AMOUNT AND SOURCE NEED TO BE IDENTIFIED.***

- J. Fund the upgrade of the Pettengill Road to connect unto the Airport Access Road. This project will open up over 800 acres of land in and around the airport area.**

Timeline: March 2009 to November 2010

PREVIOUS: Unfortunately, Londonderry was not successful in getting federal funding through Senator Shaheen for the Pettengill Road project. Londonderry is still hopeful that Congresswomen Shea-Porter funding will still come through for the Town.

September 21, 2009:

Staff is proceeding with putting together the base for a TIF District. Draft will be completed by end of September. Hopefully, staff will have the results of Congresswoman Shea-Porter funding request to include in the program.

Estimated Cost: \$12.3 Million funding (TIF, Bond, P/P/P, Private)

- K. Actively work towards creating a stock of affordable housing by building on the recommendation contained in the Housing Taskforce plan**

Timeline: September 2008 to September 2013

PREVIOUS: Input on the revised WFH ordinance was positive based on input received from legal counsel that Londonderry could preserve the GMO without conflicting with the WFH law. The Planning Board will hold another workshop meeting on September 9.

September 21, 2009: Planning Board will be holding a public hearing on the workforce housing ordinance on October 14.

Cost: Regulatory work will be done in house. Collaboration with NeighborhoodWork and other affordable housing developers is critical

- K. Determine the level of public/private partnership in the Jack's Bridge Development, which would create additional jobs, development and opportunities in the Rte. 28/Exit 5 corridor.**

Timeline: September 2008 to ??

PREVIOUS: Council concurred with staff recommendation to not pursue public investment in the project at this time. **NO FURTHER ACTION ABSENT COUNCIL POLICY CHANGE.**

Cost: Economic and Traffic Studies (approximately \$120,000) shared with

developer; town share from Community Development Budget and Rte. 28 Impact Fee Fund.

L. Staff review recommendations from MRI study, and propose revisions to both the review process and ordinances which align with this goal.

Timeline: Post submittal of MRI study (Nov., '08 – Feb., '09)

PREVIOUS: A workshop was held on May 13 to discuss staff's recommendation to implement the goals identified in the MRI report. Public hearing to amend the subdivision and site plan regulation is scheduled for June 10.

June 15, 2009: Planning Board adopted changed to the subdivision and site plan regulations, in accordance with the recommendations in the MRI report, on June 10, 2009.

July 13, 2009: **Project Completed.** On June 10 2009, the Planning Board voted to adopt the amendments to the subdivision and site plan regulations recommended by staff based on the direction given in the MRI report.

Cost: Minor legal expenses; analysis and revisions developed in-house by staff.

M. Engage the services of the Town's Impact Fee Consultant to develop rules and implementation plan for the impact reimbursement program.

Timeline: Post submittal of MRI study (Nov., '08 – Feb., '09)

PREVIOUS: The results of the traffic study will be the bases of the new reimbursement ordinance

September 21, 2009: No new info

Cost: To be determined – ***FUTURE COSTS – AMOUNT AND SOURCE NEED TO BE IDENTIFIED.***

N. Benchmark review process, and organizational and community strengths and weaknesses in the context of economic development.

Timeline: July, 2008 – September, 2008

PREVIOUS: **Project completed;** results incorporated into site selector, website enhancements, marketing and design review processes (Items E, F, G & L). Project completed. Amendments to the development review process also addresses several of the issues identified in the report.

Cost: \$5,000 – Engaged services of Northeastern University Center of Urban and Regional Policy to complete Self-Assessment.

O. Establish land use goals and development plan for Exit 4-A development area.

Timeline: FY 10/11

PREVIOUS: Funding was put in the budget for this work several years ago but was removed. No funding was put in next fiscal year's budget either due the timeline of this project. Staff will propose funding in FY 2010.

September 21, 2009: No new information

Cost: Land use review – minor legal expenses; in-house staff work; 4-a construction – existing \$5.0 M bond authorization (now at \$4.0M)

- **ERZ Zone-Working on a meeting to unveil new ERZ zone, update airport area businesses on access road progress, town progress on Pettengill and marketing and development process strategy.**

ORDER 2009-15
AN ORDER RELATIVE TO THE EXPENDITURE OF
MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

WHEREAS voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

WHEREAS expenditures have been made for various projects, specifically:

- 1) Repair Emergency Generator Town Offices at a cost of \$481.40;
- 2) Replace gasoline nozzle and swivel on the gasoline pump at the Central Fire Station at a cost of \$439.00;
- 3) Repair HVAC system at the Town Offices at a cost of \$500.16; and
- 4) Purchase of a thatcher to assist in the maintenance of Recreation Fields at a cost of \$7,596.00; and
- 5) Repair domestic circulator motor for the Town Office hot water system at a cost of \$820.00.
- 6) Repair fire alarm system at the Senior Center at a cost of \$1,391.00; and
- 7) Repair to handicap entrance door Town Offices at a cost of \$376.25.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$11,603.81 for the aforementioned repairs and improvements.

Michael Brown, Chairman
Town Council

Marguerite Seymour
Town Clerk

A TRUE COPY ATTEST:
09/21/2009

TOWN COUNCIL MEETING
August 31, 2009

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

PRESENT: Town Council: Chairman Mike Brown: Vice Chairperson, Kathy Wagner; Councilors: Sean O’Keefe, Brian Farmer; Paul DiMarco; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.

CALL TO ORDER – PUBLIC SESSION

Chairman Brown 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. Councilor Wagner also asked everyone to remember Firefighter Phillip LeBlanc, who is serving in Iraq.

PUBLIC HEARING

Councilor O’Keefe made a motion to open the public hearing, seconded by Councilor DiMarco; Council’s vote 5-0-0.

Reconsideration of Order 2009-11, Relative to the Use of Conservation Funds to Purchase a Conservation Easement. **Chairman Brown reviewed the background of the conservation easement for land located on Map 10-15 and the Council’s request on 8/17/09 to schedule a second public hearing to receive input on its reconsideration of this issue on Order 2009-11. Councilor O’Keefe questioned Mike Speltz from the Conservation Commission about the price of the lot less the federal grant. Mike Speltz confirmed that the Town was not awarded the grant as of this date. The federal grant with the lot reduction was at \$462,500. Councilor O’Keefe asked M. Speltz how many acres were to be protected; he responded 24 acres. Councilor DiMarco asked if the appraisal was completed assuming 17 buildable lots were on it. M. Speltz said it was appraised with that assumption in mind. The appraisal is completed using two approaches; an assumption on how many building lots could be built on the property and locating other large comparable parcels that have sold and comparing them. Councilor DiMarco said the assumption was made that most of the 24 acres could be developed as is. M. Speltz responded that an appraiser does not go out to hire an engineer to do a full subdivision proposal, but they do look at the soils data and make an assumption based on that information. Councilor Farmer said he supported having the re-hearing because Council could ask for more information and have things clarified. He suggested reviewing it as a process not as a purchase. He said he wants to start a dialogue on the process on the way the Conservation Commission (ConsCom) uses appraisals, etc... to purchase land. He said we would need another meeting because we need a logical standard process to follow to purchase land before it comes to Council. He stated that Andy Mack’s comment at the Cons Com hearing was that he will not sell if the appraisal comes in lower than the \$900K. Councilor Wagner stated that we were all aware of that fact and we should be discussing why we are re-hearing this Order. Councilor Wagner asked if there are repercussions if the vote**

changes what happens. Town Manager Caron responded that any time the Council rescinds an action there may be questions whether a party to the agreement is being damaged by those actions. Those have to be reviewed individually; there is always the potential to have litigation but he said he could not further state anymore in public as it may impact the Town's position. Councilor Wagner asked if the Cons Com is treated differently, Town Manager Caron responded that the Cons Com litigation is covered by the town. M. Speltz stated the Town has a signed Purchase & Sales Agreement (P&S) that the Town is bound to adhere to through 2010. Councilor O'Keefe stated that Council was obligated to have a second public meeting because the Cons Com had a second meeting. Chairman Brown corrected him saying that it was not required; we got advice at a meeting from our Town Manager that we did not have to have a second meeting. Councilor Wagner asked why the second hearing was held by the Cons Com. Town Manager Caron responded it was recommended by counsel as the Cons Com transitioned to presenting lot 10-15 exclusively. Chairman Brown asked what an independent appraisal meant. M. Speltz said they are certified by the state of NH, they have professional standards both from their associations and the state, and they represent parties that have opposing interests. They take an objective look at the facts to come up with an appraisal. Chairman Brown said the appraisal was dated 5/7/09 and Council's meeting was held on 7/17/09 so it was a relatively recent appraisal. He asked how the appraiser was chosen. M. Speltz responded that in this case they went to Don Spring who they used before. Chairman Brown said that when this was brought to Council did Cons Com have an agreement with Mr. Mack for the other lot (Grange lot). M. Speltz responded that they had a verbal agreement for only the one lot on 7/17/09. Prior to that they had a verbal agreement for both lots but Mr. Mack changed his mind on the one lot. Chairman Brown clarified that at the 7/17/09 meeting for Council did Cons Com have an agreement with Mr. Mack for the second lot (Grange Lot). M. Speltz responded no, they did not have a willing seller for the Grange lot on 7/17/09. Chairman Brown asked M. Speltz if we have an agreement as of tonight for the Grange lot, he responded we do not. Chairman Brown asked Town Manager Caron if we have a signed P&S is there any financial penalty or obligation if the vote goes differently. Town Manager Caron responded that in order to protect the Town's position, he can't answer that question in public session. Tom Freda, 30 Buckingham Drive said the appraisal is based on 17 buildable lots on the 24 acres. No engineering plans were presented for a subdivision. He questioned why Council is taking the appraisals assumption, there could be fewer lots. Since the price is based on a per lot price we should have documentation for how many exact lots there are. The presentation made by the Cons Com had listed the federal acquisition dollars as \$462,500. The Town applied for the grant based on that number which was calculated on a \$925K dollar evaluation of the appraisal and 50% of that. At the time the presentation was made two lots would be available to be withdrawn by Mr. Mack. The federal government requires an easement grant to be no more than 50% of the fair market value of the property plus a certain percentage of the "bargain sale" that Mr. Mack is giving the Town. That calculation was based on \$925K at \$462,500. The town will have to draw \$110K value out of that and then take 50% of that. The grant will actually be around \$404K. Mr. Freda stated the Town will be responsible for \$58K more if everything stays the same as presented to Council that night. Nobody on Council or Cons Com acknowledged that night that those withdrawal rights will reduce the grant value. He questioned why we are waiting until July of next year for the second appraisal.

If the second appraisal stays the same and the price has to be adjusted there seems to be the view that whatever the second appraisal is that is going to be the purchase price. He said the P&S does not say that it says the new price will be renegotiated with Mr. Mack. He said he asked Mr. Mack at the second Cons Com meeting what would happen if the appraisal comes in under \$900K, he clearly stated he is out of the deal. Councilor DiMarco said that according to the meeting minutes he did ask if the numbers in the appraisal were adjusted to 15 lots not 17 and M. Speltz answered yes. It was brought up and he said he left that meeting with the understanding that the value per acre was based on 15 not 17 lots. M. Speltz said when he stated that the appraiser took that into account it was correct. The appraiser took all the withdrawal lots out of the Grange lot (9-49). Councilor DiMarco clarified that in the original easement that included Maps 9-49 and 10-15, Mr. Mack wanted to withdraw 3 lots and all from 9-49 none were intended to come from 10-15. He said when you read the P&S it states he can take two lots. Councilor Farmer said the P&S does say he can take two house lots out of the Pillsbury lot. The appraisal for the Pillsbury lot does not reflect the withdrawal rights so when it is reappraised near the time of the purchase the appraisal will have to take into account the withdrawal of those two lots. It is \$900K for what is there; the appraisal will most likely drop if everything stays the same. Councilor Wagner said if the land sells for \$54K per acre, it will drop the price. She questioned if Andy Mack will accept less. T. Freda said Andy Mack wants \$900K which includes taking out the two lots. S. O'Keefe said the contract is valid until 7/10, it is too open ended. It doesn't make sense to leave that date out there in hopes that they may or may not get a different appraisal at that time. The appraisal is already less than what Mr. Mack publicly stated he wants. Councilor Wagner said she thought that all of this was presented at the previous Council meeting. Councilor Farmer said he thinks from his perspective that the second public hearing that Cons Com had provided some clarification on some of these points. Those points were not available to the Council and wasn't what they addressed. There were questions being raised, they were cleared up in the second public Cons Com hearing. Councilor O'Keefe asked why wait until 7/10/09? Councilor Farmer said the timeframe allows for any grant cycle. Chairman Brown asked M. Speltz why we are waiting for the second appraisal. M. Speltz responded we are committed to do the second appraisal to a "not later than" date, we have to have it done for Mr. Mack. Chairman Brown said the appraiser clearly stated that the number of lots was hypothetical and that there could be more or less than 17 lots. He asked if this statement is typical in this type of appraisal. M. Speltz responded it is typical; the appraiser is drawing an assumption based upon available information. He proceeded to point out the terminology used in the appraisal that covers assumptions and comparisons. He stated that is typical in the land business to not do engineering because it is too expensive. Chairman Brown reiterated that it is not out of the ordinary for this Council and past Councils to look at land on assumption. Councilor Farmer said that we are looking at raw land, it is bought on speculation. It states in the appraisal that it could be more or less. Chairman Brown asked for clarification of the impact of the second appraisal; who can do what. M. Speltz said there are two scenarios, one appraisal comes in at \$900K or greater in which case he is obligated to sell the easement for \$900K. Second possibility is that the appraisal comes in at less than \$900K, Mr. Mack can walk or we agree on a price that is less than the \$900K. Chairman Brown asked if we calculated the incorrect grant money like Mr. Freda calculated. \$462,500 vs. \$404,000; which would be \$58K short does he have any response to that. M. Speltz stated he

respectively disagrees with the analysis. If the property appraises at \$840K based on what we know today, that is a reasonable outcome. The most we will receive from the federal government is their share of \$804K, and then we will not pay \$900K for something that is only worth \$804K. He said he assumes Mr. Mack would not give us the “bargain sale” if it comes in under \$900K. Councilor Wagner asked if we are obligated to walk away if the appraisal comes in at \$804K. Councilor Farmer said we can walk away as well as Andy Mack if we do not agree. Tom Freda said \$462,500 was what the Cons Com calculated for the federal grant. The only way you can get to that number is 50% of \$925K. If you take that value of \$925K you have to subtract as Mike said at the hearing unexercised rights of withdrawal. Nobody said anything about adjusting the grant request number and the only number Council had on the presentation was \$462,500. That \$58K is the difference in grant calculations, it is not represented the way it should be. John Farrell, 4 Hancock Dr. said he took all the paperwork including the appraisal and P&S to a real estate attorney, a land surveyor, an engineer and an appraiser. He said on page 16 of the “Summary Appraisal Report” an assumption was made that there are no hazardous material, there probably are. On page 18 under the regulation for single family homes the appraiser looked at it as a minimum of 40K sq ft for three or more bedrooms on water and sewer. Water is in the vicinity and sewer is located down the street at quite a distance away. The assumption was made on sewer and water being available. On page 21 the Hovey Rd. lots are 1.3 to 1.7 acres so we would plan on 1.25 acres. In actuality the lots on Hovey Rd. are 1.7 and 2.7 acres. On page 23 they made comparisons to other towns. We need soil testing to determine how good the parcel is. He questioned the need for roads and site distances. He said that Staff informed him that we can model all the lots with the GIS system based on soil studies and the contour of the land. The appraiser deducted \$5K per lot for engineering and permitting, he said the land surveyor and engineer both said the costs are more in Londonderry. The engineer said he usually allows \$10K per lot. The appraised lots are superior to the Hovey piece. The appraiser said the Mack piece is worth \$53K per lot but uses \$58K when he works out the estimate. With 17 lots we would be looking at \$901K taking into account that \$60K has to be deducted in case of an easement. If we use the numbers provided by the appraiser it is 17 lots times \$58 at \$985K minus the two lots equals \$870K. His engineer says the best case scenario would be 15 lots. Staff says it is closer to 11 lots minus the two lots which would bring us down to \$477K. The appraiser looked at four sales on non-producing land. He stated we have the talent in-house to assist the appraiser for this particular piece of land. He said we need to ask more questions about using the same appraiser repeatedly. Councilor Farmer asked J. Farrell if improvement in the process is needed. He advised Council to step back and develop a Master Plan and figure out how to go forward. Anne Chiampa, 28 Wedgwood Dr. asked for clarification on where the two lots were going to be withdrawn by Mr. Mack. M. Speltz said the original signed agreement provides for two lots to be withdrawn on the Pillsbury lot. He said in an earlier discussion with Andy Mack he was talking about withdrawing 3 lots from the (Walker) Grange lot. She asked if the appraisal for \$900K includes the withdrawal of the two lots, M. Speltz replied no. Anne Chiampa said if we don’t know exactly where the lots are on the property it could affect the value of the land. Councilor Wagner asked M. Speltz if those lots were in a specified area. He responded no but we have to make sure those withdrawal lots don’t compromise the value of the easement. A. Chiampa asked what the frontage is on Pillsbury and asked if Mr. Mack could have frontage on Pillsbury Rd. She

asked if it would be possible for him to have two lots on Pillsbury with 300 ft frontage and 150 ft depth which would equal 600 ft. of frontage on Pillsbury. Community Development Director, Andre Garron said Londonderry has a minimum of an acre. Having more frontage on Pillsbury is one alternative but it could be 1.2 or 1.3 acres designed to meet our regulations. She said she was concerned about access to the property. She asked if the July Cons Com meeting minutes were public, Chairman Farmer said they are available to the public. She commented that it would be nice to have more room for their meetings and asked if they could they be televised. She said she supported Open Space. She said that Andy Mack in a letter said he wanted to work with the Town on the Walker lot (Grange). Councilor DiMarco said he feels he cannot change his vote. He asked if we can go into a non-public session to hear what the Town Manager cannot share regarding rescission of the Order. Councilor Farmer made a motion to adjourn to a non-public meeting, seconded by Councilor O’Keefe at 8:20 PM; Council’s vote 5-0-0. **The Council returned at 8:41PM Councilor Wagner stated she would like to see if Cons Com could try to use a larger room and have their meetings televised. Councilor Farmer made a motion that the Council re-considers its vote on Order 2009-11. **Councilor O’Keefe questioned if the motion has to come from the Councilors who voted in the affirmative. Councilor Farmer responded yes. Councilor Wagner confirmed that the votes have to come from the Councilors who originally voted in the affirmative.** No second, motion fails ,the previous vote stands for Order 2009-11.**

PUBLIC COMMENT

Elder Affairs – Stacy Thrall, Chairperson of the Elder Affairs Committee was in attendance. She said the committee interviewed three developers; one for-profit and two non-profit and selected Southern New Hampshire Services, Inc. (SNHSI). They are a HUD-approved contractor with a high level of knowledge and expertise specializing in low income housing. They have completed over 22 projects in several towns in NH. Several committee members visited their Nashua developments and overall were pleased with what they saw. The committee thanked Dick Agnost and Neighborhood Works for their time and willingness to share their expertise. The development will consist of three individual buildings that will be up to three stories high, containing one bedroom units. She also stated that the Elder Affairs Committee would like to relocate the Senior Center to the site if the Town approves. They have begun discussion with the developers on how to build the Center without impacting the tax base. It has been recommended that the committee requesting approval to submit a CDBG grant for the extension of the utilities. Currently the site has sewer and water within 300 feet and gas within 100 feet. Councilor Farmer stated that he was surprised that they are moving the senior center; he said that we need to a real hard look at the cost considerations. He asked if the grants include funding for the development of the Senior Center. S. Thrall said HUD won’t fund it but she asked Community Development Director A. Garron to explain it. He said he had conversations with the developers on how they can work in the Senior Center as part of the project. The funding they are looking at will not cover the Senior Center. The financing could be structured into such a way that the Senior Center could be built into the project. If everything is mobilized while the equipment is there it could be worked in. The existing site of the Senior Center is being outgrown. Chairman Brown asked for further information about the CDBG grant. A. Garron said there was another development before the board for an affordable housing grant under the CDBG. The Council voted to support it if it comes through. The town can support any grant that it wants but can only receive one application per year with a maximum amount of \$500K. Whichever project is ready when the grant money is available will be the one to receive funding. Chairman Brown noted that

the Town supported a prior grant and questioned if Council can support this additional grant application. Town Manager Caron responded Council can also support this grant and application. The difficult scenario for the Council is that we have competing grant applications: one from this group and the DiCarolis application which was the original application. Part of the ranking on these grants is the progress made on previous grants. You have to determine which grant application is better developed and feasible to move forward. He advised the Council to make sure they support the proposal most ready to go forward. The Town could submit the application for the other grant during future fiscal years. Councilor Wagner verified that we can only submit one grant per year; Town Manager Caron confirmed that was correct. Councilor Wagner asked if Joe DiCarolis has his grant yet. Town Manager Caron responded that part of the requirements for Mr. DiCarolis was that he has to come back to the council to get the grant; he has not done that yet. If the Council agrees to authorize with this application both groups would have to appear before Council again to obtain the Council's permission on the actual submission of the grant application. Councilor Brown asked if they are here tonight for authorization to support the grant, Town Manager Caron responded yes. Councilor Brown asked what the town's role is on moving the Senior Center building; who makes the decision? Town Manager Caron said it is a town building and the Elder Affairs is a town department. If the seniors decide to meet at another location we do not have any control over that decision but we do have control over that facility. S. Thrall clarified that they are looking for a new facility and are not planning on moving the old building. It will be a separate senior center, separate from the elderly housing. She said they are talking about "aging in place" which is why they want it part of the new development. Chairman Brown said the CIP project is in place and he is not comfortable with this project going ahead of other projects. A. Garron said they would like to factor it into the project if possible. Councilor Wagner asked if the developer builds it can we move the Senior Affairs Dir. Sara Landry there, Town Manager Caron said he would work something out. Councilor Farmer said there is the potential to leverage a lot of things with HUD. The Elder Committee is very sensitive to the tax burdens to the town. Bill Hart from SNHSI gave a packet to the Councilors listing properties they developed. He proceeded to explain what types of living facilities they provide for independent living people. He said HUD allows money for land acquisition \$10K – \$12K per unit. They could roll it into building the senior center by giving the money to the town who in turn will build the facility. Councilor DiMarco asked him for a rough estimate on the units, B. Hart responded the project would involve about 96 units; it will be done in three phases, three years in a row. Councilor DiMarco asked about the competition in NH for HUD monies, B. Hart said Londonderry is located in the metro area; there is less competition for grant monies. He said he has dealt with HUD before and was familiar with the program. Chairman Brown asked when federal money is involved how do you handle Londonderry residents getting into the units? B. Hart responded it is federal money and they cannot restrict it to Londonderry residents only, however many Londonderry people know about the project and get on the waiting list first; typically 80% come from the local area, based upon the projects they have completed. Chairman Brown asked if there is a property manager on site, B. Hart responded yes and it is the property manager's responsibility to make sure that HUD guidelines are followed. Chairman Brown asked B. Hart how the local community can determine what the project looks like. B. Hart responded he meets with the Elder Affairs Committee and with the Town Manager to work through the process to have them as part of the design. In prior projects they have met with the ZBA, Planning Board and abutters at several meetings and received input as to how the building will look. Councilor Wagner asked how much was waived for Joe DiCarolis' project. Did they have to go through the Heritage Commission? Councilor Farmer said the Heritage Commission supported the project but Mr. DiCarolis had to go through all the standard reviews. Councilor Wagner said we need a motion tonight to move forward and support the grant and but asked how quickly will it go in. Bill said the first application will be submitted by 7/10. She asked when will they hear if they received the grant; B. Hart responded Nov. or Dec. She asked him

if he needed a letter from the Town that they approved the site plan for the project and he responded no. He will eventually need a letter of support from the town showing there is permissible zoning and he will also need an option agreement with the town. He said in addition to that his company will have to provide various supporting documentation for the HUD grant. The town is only responsible for the CDBG grant the HUD grant will be handled by SNHSI. The HUD grant does not pay for any offsite costs; they will not allow them to bring sewer to the site. Councilor DiMarco said he is looking at the Town Council meeting minutes of 4/20/09; we did conditionally approve the CDBG grant for the DiCarolis project with conditions. **He said he would like to make a motion to conditionally approve this grant with the same conditions:**

- 1. The Town Council will have final approval on the application before it was submitted.**
- 2. Council authorization should not be considered an endorsement of the project, nor does it bind the Town's land use boards to approve any subsequent applications placed before those Boards.**

Councilor Wagner seconded that motion; Council's vote 5-0-0.

Councilor Paul DiMarco announced that one of the ALERT members is serving overseas; John Andrioli is serving in Iraq. He asked the townspeople to keep him in their thoughts and prayers that he returns safely.

Town Manager Caron said that the Town Health Officer was notified that there is a potential for EEE in the area and confirmed over the weekend that mosquitoes carrying that disease were found in Derry. All the athletic fields at the schools and the town common will be sprayed this Wednesday evening from 5-9:30PM. No one should be on those properties at that time. This notice is on the website and posted at all the fields. He proceeded to list the precautionary measures people should take to avoid being bitten by mosquitoes.

OLD BUSINESS

None

NEW BUSINESS

Order #2009-13 – Relative to the Distribution of Cable Special Revenue Funds to the Londonderry School District Councilor DiMarco read the Order and made a motion to adopt, seconded by Councilor Farmer; Council's vote 5-0-0.

Order 2009-14 – Relative to Establishing a Charter Commission to Establish Official Ballot Voting - Councilor O'Keefe read the first reading, and schedule public hearing for 9/21/09, seconded by Councilor Wagner; Council's vote 5-0-0.

APPROVAL OF MINUTES

Minutes of Councils Public Meeting of 8/17/09. Councilor Wagner questioned the Council's vote on **Resolution 2009-1A** regarding the Elliott Hospital's donation when Chairman Brown recused

himself. Town Manager Caron responded the vote is correct at 4-0-0 because he stepped away from the board and did not vote; he explained when you abstain you are still participating in the voting process. Councilor DiMarco made a motion to accept the meeting minutes of 8/17/09, seconded by Councilor O'Keefe; Council's vote 5-0-0.

OTHER BUSINESS

Liaison Reports – Councilor Brown said he attended the School Board meeting on 8/25; they talked about filling the Planning Board alternate position. There is interest and George Herrmann volunteered to be the appointee. He said they did discuss the LGC proposed Article 28 lawsuit. Town Manager Caron confirmed that the Town has already joined that suit. The School Board did not decide to sign on at that meeting but will discuss it later after they receive more information. Councilor Wagner said the potential loss of revenue is great on the school side if they join. Chairman Farmer questioned if our vote is a separate issue from the School District; he responded the vote to join deals with the retirement system issues, the Town is committed to \$6K, as the Town is looking at potential additional costs in FY11 of \$160K. Councilor Wagner asked how many towns have signed on, Town Manager Caron responded a majority. Councilor Brown announced that there is a Special Heritage Commission meeting this Wednesday at 6:30PM to meet with a developer for a site plan.

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Town Manager Reports – Town Manager Caron reminded everyone that the next meeting is 9/21. He continues to receive requests from FEMA for specific information regarding for the design of the North West Fire Station; the Londonderry Fire Chief believes Homeland Security will make their determination in mid September. Councilor O'Keefe asked if the regional combination of departments was still being considered. Town Manager Caron responded the fire chiefs are still looking at regional consolidation, as well as enhancing mutual aid. Town Manager Caron said there are 100 projects in the country being funded and he has heard that there are 150 projects being considered. Our project is shovel-ready, we have the land which weighs in our favor. He said that environmental issues have increased the project costs, but are included in the grant. Councilor Wagner questioned the increases in inspection costs; the Town Manager advised that closer construction supervision is preferable with a competitive bid process. Councilor Farmer said he has received calls about an ongoing construction project on Pillsbury near Holton Circle. Contractor has "For Sale" signs on some of the equipment making it look like a used construction vehicle lot. Town Manager Caron said he has received information just before this meeting from the Building Inspector. Unless there were specific restrictions on that development we cannot control the timing of the development at that location. He said if there are no restrictions on the location of equipment the town will request it be moved to the back of property. Councilor Farmer asked if the developer does not comply do we have any recourse, he responded we do. Chairman Brown asked the Town Manager to follow up on it at the next meeting.

Board/Committee Appointments/Reappointments -

Planning Board Alternate Position – Councilor Wagner made a motion to appoint School Board Member George Herrmann to an Alternate position on the Planning Board term to expire 9/31/09,

seconded by Councilor DiMarco. **Councilor Farmer said he still feels that we should strive to include more members of the community on boards, he will not object to George Herrmann, as he is a valued member of the community but he will abstain from the vote.** Council's vote is 4-0-1, with Councilor Farmer abstaining.

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 9:45 PM, seconded by Councilor O'Keefe; Council's vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 08/31/09

Minutes Typed by: Margo Lapietro Date: 09/03/09

Approved; Town Council Date:

