

**TOWN COUNCIL
AGENDA
August 15, 2011**

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.*

6:00 PM

NON-PUBLIC SESSION (RSA 91-A:3 II (d))

7:00 PM

I. CALL TO ORDER

II. PUBLIC COMMENT

- A. Boards/Committees/Commission Updates
 - a. Southern NH Planning Commission – David Preece
- B. Open Space Task Force Report
- C. Interview of Maria Neuman for Alternate Position on the Planning Board

III. PUBLIC HEARING

IV. OLD BUSINESS

- A. Conservation Commission Decision on the Use of funds for Debt Service Payments.

V. NEW BUSINESS

- A. Community Development Office Staffing Levels
- B. Ordinance #2011-07 – Relative to an Amendment to Title I, Chapter XXVI, Prohibited Activities on Town Property.
- C. Ordinance #2011-08 – Relative to Revisions to the Municipal Code, Title I, Chapter XXIV; Title II, Chapters I – X; and Title IV, Chapter III.
- D. Ordinance #2011-09 – Relative to the Rezoning of Several Lots to C-II.
- E. Resolution #2011-12 – Relative to the Establishment of a Public Safety Dispatch Services Study Committee
- F. Resolution #2011-13 – Relative to the Establishment of a Dog Park Study Committee
- G. Resolution #2011-14 – Relative to the Transfer of an Easement to the Rockingham County

- Conservation District
- H. Order #2011-15 – Relative to the Expenditure of Maintenance Trust Funds for a Variety of Projects

VI. APPROVAL OF MINUTES

- A. Minutes of Council's Public Meeting of 7/11/11

VII. OTHER BUSINESS:

- A. Liaison Reports
- B. Town Manager Report
- C. Board/Committee Appointments/Reappointments
 - 1) Resignation of Chuck Tilgner from the Planning Board
 - 2) Appointment of Dana Coons as a Full Member to the Planning Board, term to expire 12/31/12
 - 3) Resignation of Karen Goodman from the Trustees of Leach Library

VIII. ADJOURNMENT

IX. MEETING SCHEDULE:

- A. Town Council Meeting – September 12, 2011, Moose Hill Council Chambers, 7:00 PM
- B. Town Council Meeting – September 19, 2011, Moose Hill Council Chambers, 7:00 PM
- C. Town Council Meeting – October 3, 2011, Moose Hill Council Chambers, 7:00 PM
- D. Town Council Meeting – October 17, 2011, Moose Hill Council Chambers, 7:00 PM

SUPPORTING DOCUMENTATION COUNCIL MEETING OF AUGUST 15, 2011

I. CALL TO ORDER

II. PUBLIC COMMENT

A. Board/Committee/Commission Updates - Pursuant to Section 9.5 of the Town Charter, the Council is required to meet at least annually with the Chairperson to review significant actions and planned activities. Scheduled for this meeting:

a. Southern NH Planning Commission – David Preese

B. Open Space Task Force Report - Members of the Open Space Task Force are scheduled to present updated report for the Council's consideration. Due to the size of the report, I've emailed the report to your town email account; it has been posted to the website, and will be on the Council share folder on your desktop at the meeting. (Please note that the continuation of the Merrill easement acquisition agenda item has been moved to September 12, to allow the Council an opportunity to thoroughly review and digest the report prior to considering the Merrill issue.)

C. Interview of Maria Neuman for Alternate Position on the Planning Board – Maria has expressed interest in serving on the Planning Board; another community member is scheduled to meet with the Council on September 12. The alternate position will be available should the Council act upon the Planning Board's recommendation to appoint current alternate Dana Coons to full membership.

III. PUBLIC HEARING

A. (None Scheduled)

IV. OLD BUSINESS

- A. Conservation Commission Decision on the Use of Funds for Debt Service Payments – FYI, attached is a letter from ConsCom Chair Deb Lievens announcing a recent Commission vote to allocate \$50,000 in conservation funds toward the FY13 Debt Service. In addition, the Commission has authorized the expenditure of 5% of the total funds collected through the Land Use Change tax in FY13 to be applied to the FY14 Open Space Debt Service. This matter was discussed by the Council at its June 20, 2011 meeting.

V. NEW BUSINESS

- A. Staffing Levels – Community Development Department - Community Development Director Andre Garron has submitted the attached memo supporting staff's recommendation to fill the Town Planner position, vacated when Tim Thompson was named as the Community Development Director for the Town of Merrimack.
- B. Ordinance #2011-07 – Relative to Amendments to Title I, Chapter XXVI, Prohibited Activities on Town Property – Attached is a proposed amendment which prohibits target shooting on town property, as discussed with the Conservation Commission at the Council's July 11 meeting. (Please note that this proposed ordinance does not change the current town policy to allow hunting on town property.) A public hearing is required and can be scheduled for September 12, 2011.
- C. Ordinance #2011-08 – Relative to Revisions to Various Titles in the Municipal Code – Attached is an ordinance which completes the review of Titles I & II, and recommends changes to Title IV, Chapter III; this latter Chapter needs revisions to implement the transfer of certain inspection responsibilities from the Fire Department to the Building Division as contemplated during the FY12 budget process. A public hearing is required and can be scheduled for September 12, 2011.
- D. Ordinance #2011-09 – Relative to the Rezoning of Several Lots to C-II – Attached is a memo from staff presenting the Planning Board's recommendation to rezone Lots 15-183; 15-184, 15-185 and 13-96B to C-II. A public hearing is required and can be scheduled for September 12, 2011.

- E. Resolution #2011-12 – Relative to Establishing a Committee to Study Public Safety Dispatch Services – Attached is a resolution which establishes the study committee as directed by the Town Council at the July 11 meeting. The resolution presents a broad scope which should be reviewed to insure that it accurately represents the Council’s intent. The timelines set forth in the proposed charge insures that, if necessary, any budget requirements can be included in the FY13 budget.

- F. Resolution #2011-13 – Relative to Establishing a Committee to Study the Feasibility of Constructing a Dog Park – Pursuant to the discussion at a recent Council meeting, attached is a resolution and recommended charge to study the issue of developing a dog park in the community.

- G. Resolution #2011-14 – Relative to the Transfer of an Easement to the Rockingham County Conservation District – Attached is a resolution supported by the Conservation Commission and Sunnycrest Farm, Inc. to transfer the easement on 20.88 acres of land to the RCCD, who would become responsible for easement monitoring activities; the Conservation Commission would retain an executory interest in the property.

- H. Order #2011-15 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects - Attached is an Order authorizing the expenditure of Expendable Maintenance Trust Funds for various projects at the Highway Garage, Police Department, Old North Fire Station and Leach Library.

- VI. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 7/11/11.

- VII. OTHER BUSINESS
 - A. Liaison Reports –

 - B. Town Manager Report –
 - 1) The Council is encouraged to formally set Saturday, February 4, 2012 as Londonderry’s Deliberative Session. The session needs to be held between 2/4 and 2/11; the School Deliberative Session is set for 2/10.

- 2) The reconstruction of South Road, as part of the I-93 widening project, should be completed by August 12. NHDOT secured additional wetlands as part of its mitigation package and agreed to rebuild part of the road by elevating the road and expanding the culvert (which hopefully will solve the spring flooding/winter freezing issue the Town has been experiencing at that location).
- 3) LGC review by SOS – Recent news reports have highlighted the Secretary of State’s report on the Local Government Center’s pooled risk management programs, and believe that LGC’s reserves are too high and questioned some business practices. As a sitting Board member of LGC, I can represent that actions taken by the Board have always been vetted through legal counsel and upon the advice of actuaries and other risk program consultants; LGC’s business practices and reserves level are consistent (if not on the low end) when compared to other risk programs throughout the country, and completed in the best long-term interest of its voluntary members. The report will now be subject to a hearing with the SOS, and possible appeal to the NH Supreme Court. I believe that the SOS report is flawed, would injure all risk pools operating in NH, and ultimately lead to increased taxpayer costs.
The Town secures its health coverage from LGC, and its P/L and W/C coverage from Primex, another pooled risk management program.

C. Board/Committee Appointments/Reappointments -

- 1) Resignation of Chuck Tilgner from the Planning Board
- 2) Appointment of Dana Coons as a Full Member to the Planning Board, term to expire 12/31/12
- 3) Resignation of Karen Goodman from the Trustees of Leach Library

VIII. ADJOURNMENT –

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**FOLLOW-UP FROM COUNCIL'S
July 11, 2011 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Dispatch	Develop a Committee charge to study issue <i>(On 8/15/11 agenda)</i>	Dave
Target Shooting	Develop ordinance banning activity on town Property <i>(On 8/15/11 agenda)</i>	Dave

**FOLLOW-UP FROM COUNCIL'S
May 16, 2011 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Dog Park	Develop language for dog park feasibility Committee <i>(On 8/15/11 agenda)</i>	Dave

**FOLLOW-UP FROM COUNCIL'S
March 21, 2011 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Deliberative Session	Council need to select date between February 4 & 11 (inclusive – not 2/10/12) <i>(On 8/15/11 agenda)</i>	Council

**Final Report of the 2010-11 Londonderry Open
Space Task Force**

Adopted July 7, 2011

Due to considerations for file size and reproduction costs, only the Introduction and Committee Conclusions/Recommendations are presented.

For the entire report, please log onto http://www.londonderrynh.org/Pages/LondonderryNH_BComm/OSTF/index

Final Report of the 2010-11 Londonderry Open Space Task Force

Prepared by

The Londonderry Open Space Task Force:

Chair – Mike Speltz (Conservation Commission)
Vice Chair – Dana Coons (Alternate, Planning Board)
Secretary – Lynn Wiles (Planning Board) John Curran (Budget Committee)
George Herrmann (School Board)
Jeff Locke (At Large)
Bill Manning (Recreation Commission)
Tim McKenney (At Large)
Art Rugg (Planning Board)
Bob Saur (Londonderry Trailways)
Marty Srugis (Solid Waste Advisory Committee)
Stella Tremblay (Legislative Rep, non-voting)
Lisa Whitemore (Alternate, Budget Committee)

Town Staff Support:

John Vogl (GIS Manager/Planner)
Jaye Trottier (Land Use Board Secretary)

Introduction.....	1
Chapter 1: Open Space Inventory and Status, as of December 2010.....	3
Chapter 2: Stewardship.....	13
Chapter 3: Land Characteristics and Liabilities.....	17
Chapter 4: Land Protection Methods.....	19
Chapter 5: Identification of Priority Natural Resources.....	25
Chapter 6: Summary of Natural Resource Indicators.....	41
Chapter 7: Public Opinion Survey.....	49
Chapter 8: Strengths, Weakness, Opportunities and Threats.....	51
Chapter 9: Public Meeting Comments.....	57
Chapter 10: Financial Plan.....	61
Chapter 11: Conservation Transactions.....	65
Chapter 12: Conclusions and Recommendations.....	67

Appendix 1: Task Force Charge

Appendix 2: Protected Land Summary

Appendix 3: Properties Eligible for Inclusion in a Historic Properties Protection District, Londonderry, NH

Appendix 4: Stewardship Expenses

Appendix 5: Environmental Baseline Study Committee Water Quality Results

Appendix 6: Summary of Delphi Process

Appendix 7: Public Opinion survey instrument and marketing approaches

Appendix 8: Meeting minutes

Introduction

This plan updates and expands upon work completed in 2001 and 2006 by the Open Space Task Force. The Task Force at that time drafted an Open Space Plan for Londonderry that defined a green infrastructure and developed a list of prioritized residentially zoned land to preserve from development. The plan also provided a cursory look at funding needs to support full implementation. It did not address the management of protected properties, nor did it detail the process of plan implementation. In addition, previous plans did not assess the contribution of open spaces that were at least temporarily protected by regulation or statute. This plan addresses these shortcomings of the previous plans by:

- Addressing the current status of open space management (“stewardship”) and making recommendations for its improvement.
- Including a summary of plan implementation to include the decision process, timelines, and recommendations for improvement.
- Assessing the financial feasibility of full plan implementation.
- Considering lands temporarily protected by regulation or statute and giving greater weight to such protection in its recommendations.

Regionally, four of the six abutting communities including Auburn, Derry, Windham and Litchfield used Londonderry’s model to collect data and draft Open Space Plans of their own. This plan incorporates some ideas from the plans of those neighboring communities.

This plan represents the second revision of Londonderry’s original 2001 Open Space Plan. These plans guided preservation efforts that permanently protected roughly 2,000 acres of land. In fact, all purchases involving town dollars, as well as land protected by outside agencies, were identified in the previous plans as priority areas for protection.

In 2010, it was time to begin the recommended 5-year update of the 2006 plan. In addition, the Town Council urged a review of open space funding. The funding plan depends in large part on ‘how much is enough?’ that is, when and with how much protection will open space protection goals be achieved? While answering that question with hard numbers on the ground is challenging, describing the overall goal is not. The Task Force conducted its work based on these assumptions:

- Open space provides natural services such as clean and abundant water, recreation, and scenic views to Londonderry residents in the same way that the town’s built infrastructure and staff provides services such as public safety and education.
- The town’s residents desire these natural services and must trade off limited tax dollars among both built and natural services to maximize their quality of life.
- The preservation of natural services *over the long term* requires an integrated, buffered network of open space that protects key natural resources from being compromised by nearby development.

In May, 2010, the Londonderry Town Council approved the Committee Charge and initiated the Londonderry 2010 Open Space Task Force. Appendix 1 contains the complete Task Force Charge. This report represents the findings of the work conducted to satisfy the charge.

Chapter 12: Conclusions/Recommendations:

The Conclusions and Recommendations which follow reflect Task Force discussions; a review of current environmental and economic condition in Londonderry; input from individual task force members; the public opinion survey; the analysis of strengths, weaknesses, opportunities and threats, and the advice of the town's Planning, Assessing, and Financial staff. The Conclusions are broad judgments about the town's open spaces and open space program that invite improvement. The Recommendations are specific actions the town can take, or at least investigate, to make those improvements. Each recommendation includes the town board or department that would implement the recommendations, with the lead agency listed first.

Conclusion 1, Continuing to protect open spaces

Londonderry has made tremendous progress in ensuring that it will enjoy nature's value and benefits over the long term: 60% of the key acreage and 68% of the key resource values have either permanent or at least temporary protection. Preserving the high priority parcels identified in this report and working with willing landowners of smaller parcels with the goal of permanently protecting 39% of Londonderry, will tie this somewhat fragmented set of open spaces into a secure, resilient, and connected green infrastructure that will be able to withstand future disturbances and will be able to co-exist with Londonderry built infrastructure.

Recommendations:

- ❑ Use the outreach and education program described in Conclusion 4 to interest landowners with small parcels or partial parcels in the green infrastructure in participating in the good stewardship of their land. Develop a formal Partners in Conservation program with these landowners to support and assist them in stewarding their land.
- ❑ Acquire, from willing sellers, fee ownership or conservation easements on the priority parcels identified in this report. Create a competitive market by inviting offers from all these landowners. Equal weight should be given to adding to existing areas and opening new areas for public preservation and enjoyment. Purchases should be prioritized by these measures of merit:
 - Total resource value of the parcel
 - Dollar cost per resource value
 - Resource value per acre
- ❑ *Party responsible: Cons. Comm. / Town Council* *Timeline: Ongoing*
- ❑ Refine procedures for open space property transactions to provide for earlier and closer involvement of the Town Council in the process.
Party responsible: Town Council / Town Manager/Cons. Comm. *Timeline: Short Term*

Conclusion 2, Developing a comprehensive stewardship plan for all town-owned land

The School District, Recreation Department, Heritage Commission and Conservation Commission are each responsible for the stewardship and management of a portion of the town's open spaces and for town held easements. However, many smaller properties do not have written stewardship plans and there is no integrated, comprehensive, town-wide stewardship plan, much less a method of funding, that could exploit the synergy from the various categories of town owned land and town held easements.

Recommendations:

- Review all town owned properties and develop a comprehensive stewardship plan for each one to define what services the town desires from each property individually and as an integrated network of open spaces, and identify concrete recommendations to enhance natural resource protection and maintain and/or expand recreational opportunities. This plan should include direct costs and responsible parties. Parcels currently slated for sale or development should be examined first.
Party responsible: Cons. Comm. / Town Council *Timeline: Short Term*

- Integrate the town-wide trails plan discussed under Conclusion 5 into the broader town-wide stewardship plan discussed immediately above. The goal is to provides for connectivity between conservation areas and points of interest in Londonderry and to inform priorities for developing trails in recreation areas.
Party responsible: Trailways / Cons. Comm. *Timeline: Short Term*

- Teach volunteer residents how to monitor conservation easements and serve as land stewards; name a volunteer coordinator.
Party responsible: Cons. Comm. *Timeline: Ongoing*

- Work with Beautify Londonderry to organize cleanup events to clean open space properties of debris from illegal dumping.
Party Responsible: Solid Waste Advisory Committee *Timeline: Short Term*

Conclusion 3, Protection of water resources.

Rapid development, sprawl, flooding due to increasing storm intensity, and increased impervious surface have made the protection and control of the town's water resources, both in quality and quantity, the town's most pressing open space task.

Recommendations:

- Update the 1990 Water Resources Management Plan that will inventory water resources and provide an analysis of future needs, threats and possible protection measures.

Party responsible: Planning Board / Cons. Comm.

Timeline: Mid Term

- ❑ As necessary, revise land use regulations to ensure that no additional development occurs in the 500-year floodplains and that new development does not add to cumulative downstream flooding during periods of extended precipitation.

Party responsible: Planning Board/Cons. Comm.

Timeline: Mid Term

- ❑ Resume routine monitoring of the town's surface and ground waters, following the protocol of the Environmental Baseline Study Committee; add testing for nitrogen, phosphorus, biological oxygen demand, pH and sediment load.

Party responsible: EBSC/Public Health Officer/Cons. Comm.

Timeline: Mid Term

- ❑ Include in the education/outreach program recommended above a strong component that educates residents about vegetated buffers to surface waters.

Party responsible: Cons. Comm.

Timeline: Short Term

- ❑ Investigate approaches to a "no net increase" policy that uses newer technology and redevelopment to reduce existing impervious surface and limit its increase as new impervious surface is added.

Party responsible: Planning Board

Timeline: Mid Term

Conclusion 4, Education/Outreach.

Many, if not most, of the town's residents are unaware of the services provided by the town's open spaces, how open space benefits them individually, how to take advantage of the open space, and how and why open space is acquired and protected.

Recommendations

- ❑ Initiate a comprehensive outreach and education effort regarding the open space program in order to publicize/promote existing properties and ongoing efforts, describe protection methods and processes and educate the public in regards to open space efforts in general. Specific education topics should include:
 - 'What you can do and where' in terms of outdoor recreation, to include hunting, fishing, hiking, skiing, snowmobiling, nature study, etc.
 - History of the open space program and planning efforts
 - Description of locally important natural resources/green infrastructure
 - Types of protection, specifically conservation easements and outright ownership and the legal, financial and taxation implications of each
 - How the town stewards its open spaces and easement holdings
 - Overview of the process of acquiring properties
 - Locations and significance of historic and cultural features

Educational outlets may include programming on LCTV resources, Participation in Old Home Days/Election day events, speakers at Lions Club/American Legion and other fraternal groups and elementary and high school classes.

Party responsible: Cons. Comm./Recreation Dept./Heritage Comm. Timeline: Short Term

- ❑ Use social media tools and the school system to inform residents and students and carry out informal, organized events such as bike rides or hikes, cross country skiing, field days, trail work days, etc. and use the tools to inform residents of the recreational opportunities in Town.

Party responsible: Trailways/ Recreation Comm. Timeline: Short Term

- ❑ Review mapping of no-cut zones and develop materials to present to property owners to inform them of the existence of these areas and educate them on the obligations within these areas.

Party responsible: Cons. Comm. / Planning Board Timeline: Mid Term

Conclusion 5, Recreation on town owned land

While the town has made great strides in exploiting the recreational potential of the land that it owns, more can be done to maximize the recreational benefits residents get from their investment in open space.

Recommendations:

- ❑ Continue to work with partners to expand recreational potential on existing open space areas and provide opportunities for a diverse range of activities throughout town.

*Party responsible: Town Council / Recreation Comm. / Timeline: Ongoing
Cons. Comm / Trailways*

- ❑ Partner with neighboring communities and the Society for the Protection of NH Forests (SPNHF) to maintain and improve the recreational trails through the Bockes/Ingersoll Forest.

Party responsible: Cons. Comm. / Trailways Timeline: Short Term

- ❑ Consider a local hockey program and using the West Road Fields as potential outdoor hockey rinks.

Party responsible: Recreation Comm. Timeline: Mid Term

- ❑ Partner with private outfitters/educators/clubs to provide training opportunities on town properties that have an outdoor recreation and/or theme.

Party responsible: Trailways /ALERT/ Recreation Comm. Timeline: Mid Term

- ❑ Pursue controls on impervious surfaces as recommended under Conclusion 2, above.
- ❑ Keep in place current protective regulations including the Conservation, Route 102 and Route 28 Overlay Districts, as well as appropriate sections of the site and subdivision regulations. Consider enhancing these ordinances and regulations to support the other recommendations of this report.

Party responsible: Planning Board

Timeline: Short Term

Conclusion 7, Funding

Residents are generally comfortable with the current level of effort in support of open space protection, which amount to 2.7% of the town budget and a general desire to continue to protect open space. There is significant resistance to adding to that level of burden on the taxpayers. Based on reasonable assumptions about the time until Londonderry reaches buildout (~20 years), the current assessed value of the priority parcels, expected non-town funding, continuation of the land use change tax receipts, and maintaining a 2.7% level of effort, the protection of the green infrastructure appears to be financially feasible.

Recommendations:

- ❑ Implement the financial plan based on a consistent level of effort of 2.7% of the town budget, as described in this report, to fund protection of the priority parcels identified in this report as properties become available from a willing seller
- ❑ Create a dedicated source of funding for stewardship activities by allocating the first increment of funding from the Land Use Change Tax to a non-lapsing stewardship fund for any purpose permitted by statute. The amount of this allocation should be determined by the requirements identified in the comprehensive stewardship plan recommended under conclusion 2. The remainder of the Land Use Change Tax should continue to be allocated to the Conservation Fund as a self-regulating counter balance against development and to supplement the recommended bond funding, thereby hastening the implementation and reducing the cost of the Open Space Plan.

Party responsible: Cons. Comm.

Timeline: Ongoing

- ❑ Create a budget line within the Community Development Department budget that will fund the outreach and education efforts described in Conclusion 4.

Party Responsible: Town Council

Timeline: Short Term



LONDONDERRY CONSERVATION COMMISSION

July 17, 2011

Mr. Sean O'Keefe
Chairman - Londonderry Town Council
268B Mammoth Road
Londonderry, NH 03053

Chairman O'Keefe,

In recognition of the difficult economic times faced by the community, at its meeting on July 12, 2011, the Londonderry Conservation Commission authorized the expenditure of \$50,000 from the Open Space Protection Fund, for the specific purpose of providing revenue to pay a part of the annual open space debt service in fiscal year 2013. In addition, in an effort to remain proactive in addressing the economic concerns of the community, the commission has authorized the expenditure of 5% of the total funds collected through the Land Use Change Tax in FY13 to be directed to pay a part of the annual open space debt service in FY14.

The Commission regards these proposed expenditures from the Open Space Protection Fund as extraordinary measures, taken in the face of extreme fiscal challenges, due both to the faltering economy and to actions taken by the New Hampshire General Court. While these proposed uses may be interpreted to meet the strict construction of the Town Meeting warrant articles that appropriated funds for the purpose of acquiring open space, the Commission believes the voters' intent was to use these appropriations for the protection of additional open space, not to use capital funds for the payment of debt service that would normally be part of the operating budget for open space previously acquired.

It is the hope of the Commission that this action will assist the town manager and the town council in preparing its budgets for FY13 and FY14.

Sincerely,

Deborah Lievens

Deborah Lievens
Chairman, Londonderry Conservation Commission

cc. Mr. David Caron
Londonderry Town Council
Londonderry Conservation Commission

JUL 18 2011

COMMUNITY DEVELOPMENT DEPARTMENT
Planning & Economic Development Division

Town Planner Position

Purpose: The purpose of this memo is to provide documentation supporting the current staffing levels within the Planning and Economic Development Division of the Community Development Department, and seek Town Council authorization to fill the position of Town Planner.

Mission

The Londonderry Community Development Department will actively work towards being the most innovative, knowledgeable and responsive department in the State of NH.

- We will give our customers the full breadth of our knowledge and expertise in each interaction.
- We will treat people with kindness and respect.
- Individually, we will strive to increase our knowledge of our professions.
- We will continue to earn the trust and respect of the boards, commissions, public and staff by providing accurate timely information
- We will strive to foster an atmosphere of teamwork within our department and with our colleagues.
- We are firmly committed to helping Londonderry achieve the goals set out in its adopted Master Plan.
- We will administer the Town's building codes, health ordinances and zoning regulations in a fair, efficient and professional manner while providing assistance to the applicants seeking permits, inspections and information.

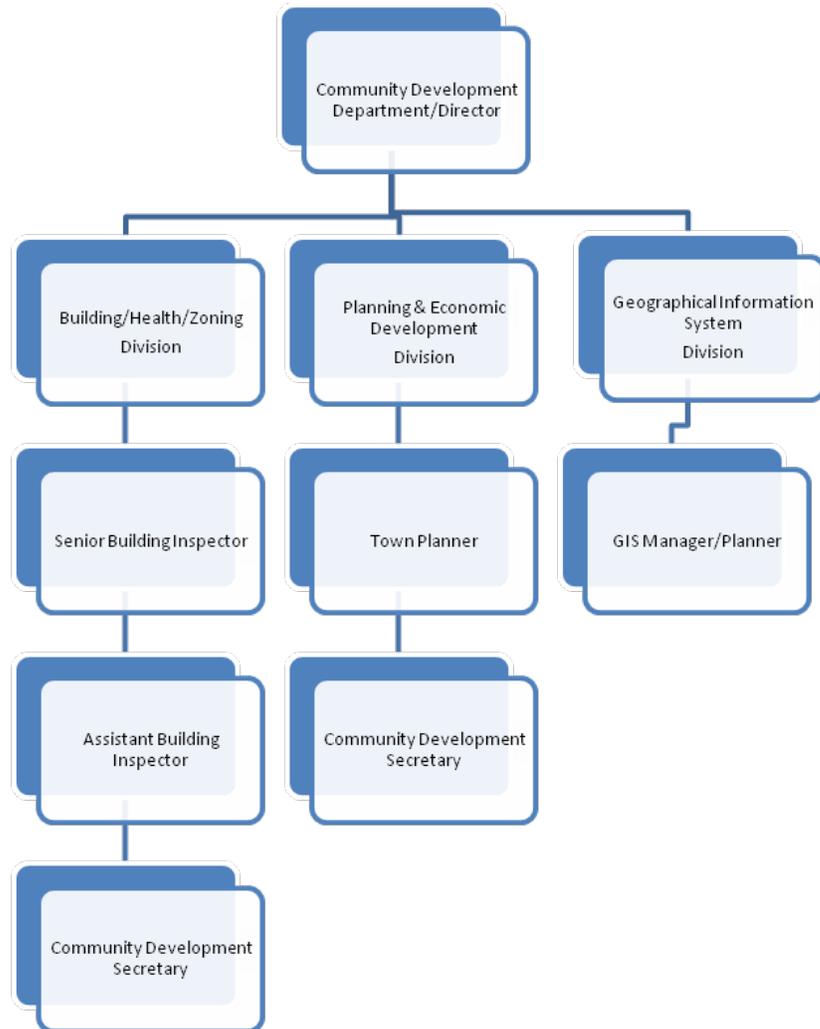
Department Overview:

The Community Development Department consists of three divisions, Planning & Economic Development, GIS and Building Divisions. The Department handles the growth and building related activities for Londonderry. The Community Department staff is responsible for reviewing each development, building and zoning proposal submitted to the Town to insure that the current policies, rules, regulations and long term planning recommendations are advanced and followed. The department is also involved in assisting town leadership in creating and shaping planning, building, health and economic development policy and serves as advisors to Town Council, Planning Board, Zoning Board of Adjustment, Conservation Commission, Heritage Commission, Master Plan Steering Committee, Economic Development Taskforce, Capital Improvements Committee and Open Space Taskforce and other committees, boards and commissions as assigned. Enforcement of the Town's zoning codes falls within the role of the department as well.

From 1999 to 2009, the Community Development Department has recruited, fostered and ushered over 2.5 million square feet of new and expanded manufacturing, office/warehouse and retail development resulting in an assessed value of over **\$400,000,000** (See attached spreadsheet). As documented by the New Hampshire Employment and Labor Market Information Bureau (ELMI) between 1999 and 2009, the number of good producing businesses in Londonderry increased by 7% and the number of service related businesses increased by 5%. 2,339 new jobs were created from 1999 to 2009 an increase of 24% and within the same time period Londonderry's valuation close to tripled over the last decade from \$1,335,605,746 to \$3,343,051,059.

The Town Planner's position is responsible for insuring the each application submitted for review by the Planning Board is complete and prepared in accordance with the rules, regulations and policies of the community and constructed in accordance with the approved plan.

The Community Development Department's organizational chart is as follows:



Position overview:

Community Development Director

JOB SUMMARY / SUPERVISION: Performs highly responsible administrative and technical work in the development and implementation of short and long range plans, programs and services related to land use planning, policies, and ordinances, and building codes, zoning administration and health inspections. The Director promotes the economic development of the community; assists in

the preparation of the Capital Improvement Program (CIP); prepares and maintains the department budget; and seeks and prepares grant proposals. The position provides technical assistance to the Town Manager, Town Council, Planning Board, and other related employees, boards, and committees. The position exercise considerable independent judgment in developing, interpreting, and implementing land use management policies plans, and ordinances. Responsible for issuing work assignments, evaluating job performance and resolving conflicts for department staff.

ACCOUNTABILITY: Reports directly to and is accountable to the Town Manager.

ESSENTIAL DUTIES AND RESPONSIBILITIES: (The following is illustrative of the duties and responsibilities associated with the position and are not intended to be all-inclusive.)

- Coordinates periodic update of the Town's master plan, zoning ordinance and land use regulations to accomplish the community's goals and objectives.
- Collects and organizes information to update local demographics, road networks, public facilities and other infrastructure data to project future trends and capital improvement needs of the community.
- Develops and implements the Town's approved targeted industry plan in consultation with other associated boards, committees and commissions to increase the Town's commercial and industrial tax base and local employment opportunities.
- Organizes, coordinates and assists with the development of the annual CIP in accordance with state and local laws and codes.

- Coordinates with the regional planning and economic development commissions, boards or committees to develop the Town's land use and economic development plans.
- Assists with computerizing of Town functions associated with planning, economic development, building and code enforcement.
- Provides technical assistance to boards, commissions, committees and authorities to improve overall management of the Town's resources and infrastructure.
- Provides periodic status reports of active development issues that may have an impact on the department or the Town to the Town Manager, Town Council, Planning Board, and other boards and committees.
- Assists in the development and implementation of plans, codes, or inter-governmental agreements such as: growth management; land use; economic development; utility; housing; transportation; building, code enforcement and solid waste.
- Evaluates environmental information and recommends mitigation measures to reduce adverse impact of development.
- Prepares and writes applications for infrastructure, community development, transportation and recreation grants.
- Maintains a database of information for planning purposes, as assigned.
- Responds to local citizens inquiring about Town planning and zoning regulations, code enforcement and ordinances, and provides technical assistance and information to developers and property owners.
- Establishes and maintains effective relations with Town departments, employees, private agencies, and the general public.
- Evaluates land use proposals for conformity with federal, state, and local laws, and regulations and ordinances.

- Coordinates subdivision and site plan review with other departments, boards and committees.
- Performs other related duties, as assigned or required.

Town Planner:

The Town Planner serves an essential role in a support capacity to the Community Development Director and fulfills the management responsibilities in the absence of this department director. The Town Planner is responsible for the review and reporting of subdivision and site plan submissions for residential, commercial and industrial developments. The Planner is in charge of the development and amendment of zoning ordinances, subdivision, and site plan regulations. The Planner assists the public and developers with questions regarding the Town's development review process, interpreting zoning ordinances, subdivision and site plan regulations. The position, when needed, serves as liaison with the Planning Board, Heritage Commission, Conservation Commission, Zoning Board of Adjustment and other groups, boards and commissions as assigned by the Community Development Director. The Town Planner also oversees the department's internship program and the Capital Improvements Program.

ESSENTIAL DUTIES AND RESPONSIBILITIES: (The following is illustrative of the duties and responsibilities associated with the position and are not intended to be all-inclusive.)

- Reviews subdivision and site plan proposals.
- Enters data from approved Subdivision and Site Plans
- Assists with the development of the annual budget.
- Investigates subdivision and site plan violations and coordinate with various departments to resolve matters.
- Prepares and makes presentations before citizen groups, Planning Board,

Historic Commission, Town Manager and Town Council.

- Develops and prepares amendments to the zoning ordinance, subdivision and site plan regulations and zoning map.
- Assists with the development and implementation of the master plan.
- Develops and prepares the Capital Improvements Plan.
- Corresponds and coordinates reviews and projects performed by outside consultants hired by the Planning Board or Department.
- Serves as staff liaison to the Conservation and Historic/Heritage Commission meetings. Attends meeting as needed.
- Coordinates with the Conservation Commission on the Town's Land Conservation program.
- Provides technical assistance on zoning ordinances, procedures, regulations and other town policies to the public, developers, business organizations, contractors, architects, etc.
- Provide assistance to the general public, developers, appraiser, etc.
- Assists with the research, preparing and writing of grants.
- Acts on behalf of the Community Development Department in the absence of the Director.
- Provides supervision of the internship program.
- Coordinates with GIS Manager/Planner in regards to GIS matters, materials and information.
- Performs other duties as assigned by the Community Development Director.

GIS Manager/Planner:

In 2001, Londonderry conducted a Geographical Information System (GIS) Needs Assessment, prepared by Camp Dresser & McKee (CDM), to assess if

such a program would be utilized in Londonderry. The conclusion of the report was that such a program would be of benefit to the Town provided that a person is hired to run it. The GIS program needs a particular skill set to realize all of its benefit and value to the community. In 2003 and 2004, \$420,000 was appropriated to implement the GIS program and the GIS Manager/Planner position was also created in 2004. Over the past seven years, the position has done a great job in managing the town's GIS investment and tying its functionality into the many needs of the town's departments, boards and commissions. This effort has been done so seamlessly that it goes largely unnoticed. The GIS Manager/Planner position works closely with the Assessing Department in its update of the tax maps which service Londonderry previously contracted out. The position has worked and continues to work with the following groups: School Department, Leadership Londonderry, Planning Board, Manchester-Boston Regional Airport, Assessing Department, E-911, Department of Public Works, Cemetery Trustees, Conservation Commission, Fire Department, Police Department, Alert Team, Economic Development, Finance Department, Historic Preservation Taskforce, Workforce Housing Taskforce, Open Space Taskforce and Master Plan Steering Committee.

JOB SUMMARY / SUPERVISION:

Under the direction of the Community Development Director, the GIS Manager/Planner will be responsible for managing all functions of the Town's Geographical Information System (GIS) ensuring its effective and efficient use. Also, this person will be responsible to assist in the office demands for information products, mapping, graphic design and provide technical support to the Town's short and long term planning and economic development efforts.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

(The following are some of the typical duties and is not intended to be exclusive of other related duties that may be required from time to time)

- Meets with personnel from other Town departments, boards, and commissions to assess their GIS needs and establishes how the GIS can be used to meet their needs.
- Designs and implements plans to meet assessed needs and manages all aspects of the plans through completion;
- Assist with site and subdivision plan review;
- Assist with master plan development and implementation process;
- Assist with the review and analysis of all rezoning requests;
- Makes presentations to staff, Town Council, and other Town departments, boards, and commissions as needed.
- Analyzes and diagnoses problems related to the GIS operating systems and develops effective solutions; provides GIS related technical assistance and training to staff. Prepares and presents formal and informal instruction to personnel.
- Assist the Director in planning for the short and long-term expansion of the GIS.
- Assists with development of land use planning documents by providing maps, graphics, and calculations to the department and other departments, boards and commissions in Town.
- Provide mapping and planning assistance to the Conservation Commission in its open space conservation efforts when needed;
- Assist the Director in preparing annual budget relative to GIS.

- Develops or maintains databases necessary for the ongoing operation of the land use and economic development planning process and provides a methodology for continual update.
- Assists the Director in defining data standards and methodologies for office GIS products and keeps regular documentation in an organized format.
- Assists in providing functional Webmaster skills to help maintain the town’s website.
- Attends training as necessary.
- Performs other tasks at the direction of the Director.

The GIS Manager/Planner will demonstrate continuous effort to improve operations, decrease turnaround times, streamline work processes, and work cooperatively and jointly to provide quality customer service.

Community comparisons:

The following chart shows the professional staffing levels in communities comparable to Londonderry. It should be noted that many of the communities listed below assign their GIS management functions to another department, notably IT, whereby Londonderry includes this function in the Community Development Department.

Town	# of Planning FTE
Bedford	3
Derry	2
Concord	4
Dover	5
Hudson	3
Londonderry	3
Merrimack	3
Portsmouth	3
Rochester	3
Salem	2

Average Planning FTE	3.1
Median FTE	3

In the chart above, Londonderry's planning FTE is comparable, if not, less than the communities that we customarily compare ourselves to. Again, the department is seeking to maintain its current staffing levels.

Town	Planner Salary-Min	Planner Salary-Max
Bedford	48,031	62,621
Derry	-	-
Concord	53,893	78,062
Londonderry	50,288	67,820
Rochester	52,574	70,442
Portsmouth	-	-
Dover	54,870	77,709
Merrimack	57,505	78,408
Salem	63,074	77,245
Hudson	66,802	83,608
Average Salary	55,880	74,489
Median Salary	54,382	77,477

Londonderry planner's position has the third lowest pay range amongst the nine communities that Londonderry customarily compares itself to. The position is part of LAEA which salary ranges were recently agreed to in the current contract and the position's salary part of the approved FY2011-2012 budget.

Conclusion:

The Planning & Economic Development division has several large scale developments that are either approved, in the review or in the concept stage.

Developments such as:

1. Lorden-Eric Chinsburg- 135 Residential lots (50 lots in phase I)
2. Mill Pond Phase II- 16 Lots
3. Freezer Warehouse- 82,000 S.F.
4. Exit 5 Commercial Center-109,678 S.F.
5. Rt. 28 Gas/Convenience Store-3,740 S.F.
6. Elliot Medical Facility-Phases 4 & 5- 60,000 SF
7. Market Basket- 107,000 SF
8. Pettengill Road Area- 1,000 Acres Mixed Use Industrial Development

9. Woodmont Common- 629 Acres- Mixed Use Development
10. Jack's Bridge Road- 400+ Acre Industrial Development

Over the last two years, the Community Development Department has been downsized by one part time employee and one full time employee (i.e. Code Enforcement Officer and Planning & Economic Development Division Secretary). The Planning & Economic Development division is starting to see signs that the economy is starting to move forward. In addition to the few examples listed above, the department is receiving more inquiries about the Pettengill Road and Exit 5 areas.

The Planning Board is in the beginning stages of its master planning process and is in the midst of submitting a grant application to help offset some the expense of the project. The workload distribution within the Planning and Economic Development division is functioning well due to current positions and their respective responsibilities. Londonderry's economic development efforts are being advanced because the department has a Town Planner and GIS Manager/Planner insuring that the planning and development goals are being met and vice versa. The demand to retain the Town Planner's position has never been greater. I think it is imperative that Londonderry maintains the current level of staffing in the Planning and Economic Development division so it can adequately address the impending demand and to continue to accomplish the goals of Town Council, Planning Board and the community.

Commercial and Industrial Projects Approved from 2000 to Present

Company Name	Address	Map	Lot	Acres	Assessed Valuation	S.F. of BLDG	Tax Revenue	Comments
Insulcero, Inc.	Akra Way	28	31-8	5.22	\$1,968,800	76,000	\$40,026	New
Kubler Lubrication	Industrial Drive	28	18-4	10	\$2,982,300	46,893	\$60,630	Renovation
MicroMeres	Genier Field Road	28	29-1	2.7	\$2,128,400	40,314	\$43,270	Expansion
Insight Technologies	Akra Way	28	31	29.9	\$14,007,200	155,000	\$284,766	Expansion
Enterprise Car rental	Perimeter Road	28	22-8	4.95	\$1,033,300	6,650	\$21,007	New- Enterprise also registers their vehicles in Town which nets over \$1M
Enterprise Car rental	25 Perimeter Rd	28	21-16	3.1	\$698,300	2,976	\$13,983	New
Meggit Aviation-Vibro-Meier	Akra Way	28	9A	3.212	\$1,816,100	70,840	\$36,921	Renovation and Expansion
Field Day Office/Warehouse	Harvey Road	28	31-35	3.212	\$0	3,600	\$0	New- Under Construction
Federal Express Ground	Killy Hawk Landing	17	5-7	10.22	\$4,656,300	58,086	\$94,663	New
Donovick	Enterprise Drive	15	80-2	11.61	\$3,583,300	69,000	\$72,848	New
Univac	No. Wentworth Drive	14	44-27	4.83	\$1,985,300	35,339	\$40,361	New
FCL	Aviation Drive	14	29-12	29.91	\$2,455,500	69,000	\$49,514	New
AES	Burton Drive	14	44	49.417	\$232,000,000	110,000	\$4,716,560	New
Frito Lay Distribution	No. Wentworth Drive	14	44-28	6.635	\$232,000,000	110,000	\$4,716,560	Expansion
Stonefield Farms Yogurt	Burton Drive	14	44-13	13.17	\$8,604,100	107,307	\$174,921	Expansion
Stonefield Farms Yogurt	Burton Drive	14	44-13	13.17	\$8,604,100	107,307	\$174,921	Phase 2 & 2A Expansion of Office Space
Ride Away	Wentworth Ave.	14	44-20	3.34	\$1,229,000	28,208	\$24,986	Renovation
SIS Human Factor	Wentworth Ave.	14	44-17	2.82	\$2,118,900	36,000	\$43,077	New
Manchester Motor Freight	Wentworth Ave.	14	44-34	4.018	\$0	2,700	\$0	New-Not built
Walbro Supply	Independence Drive	16	81	50.63	\$2,491,300	51,000	\$50,648	New
Evco Corp. Self Storage	Independence Drive	16	60	8.69	\$943,500	17,700	\$19,181	New
Butdrus Hydraulics	Wentworth Drive	14	44-33	10.22	\$3,563,400	69,164	\$72,444	New
Alcumet Inc.	Planview Drive	14	13	5.76	\$998,000	31,152	\$20,289	Expansion
Eleven Delta Drive LLC	Delta Drive	14	21-6	2.97	\$1,346,500	42,000	\$27,374	New
Freezer Warehouse	Rt. 28	13	108	11	\$6,458,200	92,818	\$131,295	New
Highwood Cold Storage	Rt. 28	13	108	9.66	\$4,934,800	95,000	\$100,324	New
Coca Cola	Symmes Drive	15	98	64	\$21,257,400	480,499	\$432,163	Expansion
Harvey Industries, Inc	Jack Bridge Road	17	45	43	\$8,037,600	331,500	\$366,704	New
Total:				414	\$342,968,300	2,209,288	6,972,546	
Added Revenue							\$1,339,030	
Grand Total:							\$8,311,576	

Commercial/Office

Company Name	Address	Map	Lot	Acres	Assessed Valuation	S.F. of BLDG	Tax Revenue	Comments
Hannaford Supermarket	Hampton Drive	10	73	20.227	\$6,276,000	57,000	\$127,991	New
CVS Drug	Rt. 128	6	65-1	3.106	2,085,900	10,000	\$42,406	New
Workout Club	Orchard View Road	7	42-1	7.355	3,887,900	83,096	\$79,041	Expansion-S.F. includes 2006 Addition
Benson Hardware	Orchard View Road	7	40-11	5.961	1,238,400	27,260	\$25,177	Expansion-S.F. includes all structures on-site and 2007 Addition
Home Depot Complex	Rt. 102	7	119	30.263	13,829,300	137,912	\$281,150	New
Slaples	Rt. 102				\$1,209,700	20,816	\$24,593	New
99 Restaurant	Rt. 102				\$627,400	8,000	\$12,755	New
Dunkin Donuts	Rt. 102				\$473,100	2,513	\$9,618	New
Kindercare	Gardner Road	10	55	1.346	1,604,300	9,871	\$32,615	New
VIP Car Wash	Gardner Road	10	54	2.987	2,132,200	2,376	\$4,334	Car Wash added
Chitzens Bank	Gardner Lane	7	68-1	1.71	1,114,600	6,266	\$22,660	Expansion
Southern NH Bank	Action Blvd	10	51		\$309,600	2,038	\$6,294	New
Verani Prudential	Verani Way	16	5	4.946	2,160,500	11,700	\$43,923	New
Eljoli Medical Facility	Buttrick Road	6	73	7.57	4,136,200	88,700	\$84,089	New
Walgreens Drug Store	Rt. 128	6	52	9.93	\$893,400	12,256	\$18,163	New
Osco Drug In Crossroad Complex	Rt. 102	6	42-1	1,118,400	14,904	\$22,737	New	
Crossroad Mall New Building	Rt. 102	6	42-1	741,900	8,000	\$15,083	New	
Dunkin Donuts	Rt. 28	15	68	1	291,000	2,513	\$5,916	New
Tedeschi Food Shop	Rt. 28	15	59	2.58	1,310,600	4,600	\$26,644	Renovation of Former Exxon Gas Station - Increased building size from 323 S.F. to 4,600 S.F. and from 4 pumps to 6 pumps.
Subway Restaurant	Rt. 28 & Perkins Rd	15	54	0.85	207,300	1,551	\$4,214	New
Dalhousy Nursery	Young Road	6	65A	5.41	\$1,367,600	11,244	\$27,803	Renovated the former John Deere Sales Facility
Gymnastic Gym	Tracy Lane	2	34-4	2.24	\$777,800	10,000	\$15,813	New
Comcast (Formerly Adelphia) Bldg	Rt. 102	2	35	15.14	\$1,871,300	11,400	\$38,044	Expansion
Storage USA	Londonderry Road	10	143	2.05	\$2,132,900	19,600	\$43,362	New
Highlander Hotel	Highlander Way	28	10	30.989	\$4,506,400	21,027	\$91,615	Expansion
Flooring Associates	S. Perimeter Rd	28	21-24	1,0883	\$643,300	10,600	\$13,078	New
Mt. Steer	Buttrick Road	6	30	2.545	\$1,375,100	11,400	\$27,956	New Building- Existing business
Missiner Office Bldg	Buttrick Road	6	34	3.55	\$2,815,100	23,940	\$57,231	New
Reynolds Retail Strip	Orchard View Drive	7	40-10	4	\$2,572,000	9,433	\$22,289	New
Reed Ferry Sheds	Tracy Lane	2	34-3	3.39	\$1,045,800	11,400	\$21,261	New
Penske Truck Leasing	Jack's Bridge Road	15	103-3	1.53	\$2,026,200	16,170	\$41,193	New
Mohawk Drive Office Buildings	Mohawk Drive	6	37 & 38	1.53	\$0	6,770	\$0	Recently approved- New
Dart's Floor Store	Mohawk Drive	6	35-8	2.138	\$0	7,976	\$0	Recently approved- New
Total:				184.50	\$64,862,200	682,332	\$1,318,649	

ORDINANCE #2011-07
AN AMENDMENT TO THE MUNICIPAL CODE,
TITLE I, CHAPTER XXVI

Introduced: 8/15/11
Second Read/Public Hearing: 9/12/11
Adopted: 9/12/11

WHEREAS the Conservation Commission has expressed safety concerns regarding target and skeet shooting in the Musquash; and,

WHEREAS the Town Council requested that an ordinance is prepared to address this concern, without impacting the right to hunt on town property;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title I – General Code, Chapter XXVI, is hereby amended to prohibit target and skeet shooting on town property.

Sean O’Keefe - Chairman
Town Council

Meg Seymour
Town Clerk

(TOWN
SEAL)

A TRUE COPY ATTEST:
xx/xx/xx

Chapter XXVI – PROHIBITED ACTIVITIES ON TOWN PROPERTIES

SECTION I PROVISION

- A. In addition to activities which are prohibited by other local, state or federal rules, regulations, laws, statutes or ordinance, no person shall engage in the following activities on municipally-owned property within the Town of Londonderry.

SECTION II PROHIBITED ACTIVITIES

- A. Smoking, meaning having in one's possession a lighted cigarette, cigar, or pipe, or any device designed to produce the effect of smoking, shall not be permitted within 20 feet of any entry point to any municipally-owned property.
 - i. Entry point is defined as an exterior door to a building, and for other facilities/properties is an area where the public is required to enter in a specific area due to the presence of manmade improvements such as fencing, or where natural topography or features create a similar effect as fencing.
 - ii. This ordinance shall be effective upon passage by the Town Council and erection of signage alerting the public to the prohibited activity in said designated areas.
 - iii. These regulations shall be in addition to the regulations promulgated by the Indoor Smoking Act (RSA 155:64-77).
- B. Target or Skeet Shooting, meaning discharging a firearm at a stationary or moving target. Hunting of game on town property shall be allowed, in accordance with all rules, regulations and statutes as promulgated by the State Legislature or the State of New Hampshire Fish and Game Department.*

SECTION III PENALTIES

- A. Any person who violates any of the provisions of this title shall be guilty of a misdemeanor; and shall be subject to a penalty of \$275 for the first offense and \$550 for subsequent offenses.

~~End of Chapter~~

ORDINANCE #2011-08
***REVIEW AND REVISIONS TO THE MUNICIPAL CODE, TITLE I,
CHAPTER XXIV; TITLE II, CHAPTERS I – X; and TITLE IV,
CHAPTER III***

Introduced: 8/15/11
Second Read/Public Hearing: 9/12/11
Adopted: 9/12/11

WHEREAS Section 3.10 of the Town Charter requires a decennial revision or codification of the ordinances of the Town; and,

WHEREAS the FY12 Budget included a realignment of responsibilities between the Fire Department and Building Division which requires amendments to Title IV, Chapter III; and,

WHEREAS all current Chapters in Titles I and II have been reviewed for recommended edits;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title I – General Code, Chapters XXIV, Title II – Traffic Safety Code, Chapters I – X; and Title IV, Public Health, Safety and Welfare, Chapter III, is hereby amended pursuant to the attached summary.

Sean O’Keefe - Chairman
Town Council

Meg Seymour

Town Clerk

(TOWN
SEAL)

A TRUE COPY ATTEST:
xx/xx/xx

<i>Recommended Revisions to the Municipal Code – Title I General Code</i>		
<i>Chapter</i>	<i>Title</i>	<i>Recommended Revisions</i>
XXIV	Cable Television	No significant changes; many updates; explanation of policies and procedures removed to operating guidelines to be managed by Cable Director.
<i>Recommended Revisions to the Municipal Code – Title II Traffic Safety Code</i>		
I	Definitions	Corrected misprints
II	Traffic Safety Committee	Revisions to align ordinance with Committee structure; clarify Committee responsibilities
III	Authority of Police	No Changes Recommended (NCR)
IV	Traffic Signs and Signals	NCR
V	Pedestrians' Rights and Duties	NCR
VI	Stopping, Standing and Parking	Updated statutory references.
VII	Snow Removal	NCR
VIII	Off Highway Vehicle Use	NCR
IX	Through Trucking	NCR
X	Miscellaneous Provisions	Amends noise restriction hours from 10PM-10AM, to 10PM-730 AM
<i>Recommended Revisions to the Municipal Code – Title IV Public Health, Safety and Welfare</i>		
III	Fire Prevention	Extensive rewrite to update code references, and divisions of responsibility to allow Building Division to assume some inspection responsibilities in accordance with the inspection reorganization set forth in the FY12 Budget.

CHAPTER XXIV - CABLE TELEVISION

SECTION I AUTHORIZATION FOR CABLE TV FRANCHISE

- A. Approval – *RSA 53-C authorizes the Town to enter into non-exclusive agreements to provide cable television service to the community.* ~~The voters of the Town have authorized the Town Council to allow any brand of cable television within the Town. (Art 34, TM 1981)~~
- B. Restrictions
- ~~The Town Council is hereby authorized to enter into a cable television franchise agreement, provided that no use of eminent domain is involved, that the franchise be non-exclusive, that the franchise include a construction schedule with performance bond, and written commitments to timely service, protection of consumer privacy and the restoration of property, and that the franchise comply with all applicable laws and regulations.~~
 - ~~The Town Council is authorized to proceed with the participation and advice of the Cable TV Advisory Committee in the process of seeking and evaluating bids and negotiating terms; said process to be open and formal, requiring prior public hearings and full disclosure while prohibiting kickbacks, influence peddling and backdoor contacts, and ensuring the recovery of all Town costs from applicants and franchisees. (Art 25, TM 1982)~~
- C. Funds for Local Programs
- ~~The Town Council is authorized to accept the franchise fee from *the cable television provider* Harron Communications (as per the contract with the Town) and dedicate these funds *.of which all or a portion may be used for PEG access television, programs and facility management as well as any other cable related expenses as determined by the Town Council from time to time.* These funds can only be expended upon recommendation of the Cable TV Advisory Board of Londonderry (CABL) and with the approval of the Town Council using the standard payment practices of the Town.~~

(Art 13, TM 1984)

SECTION II NAMES AND LOCATION

- A. Londonderry's Public Access Channels are known as CTV-20 and DIG-170 and will be referred to as such throughout this document
- B. Londonderry's Educational Access Channel is known as *LEO 21* ETV-51 and will be referred to as such throughout this document
- C. Londonderry's Governmental Access Channels *s are* is known as GOV-*22 & 30* 52 and will be referred to as such throughout this document.
- D. Londonderry, Public, Educational, and Governmental (PEG) Access, known as the LAC (Londonderry Access Center) facilities, are located *on* ~~in~~ the Londonderry High School *campus, 281* ~~at 295~~ Mammoth Road.

SECTION III AUTHORITY AND GOVERNANCE

- A Authority
 - 1. Public, educational, government access and the LAC exist as a result of the *cable* franchise agreement ~~between Harron Cablevision of NH and the Town of Londonderry. They continue as a cooperative effort of the town of Londonderry, the Londonderry School District and Harron Cablevision of New Hampshire.~~
- B. Governance
 - 1. The PEG LAC *and public and government channels are* Facilities are managed by *the Director of Cable Services under the direction of the Town Manager* a studio coordinator ~~under the direction of the Cable Advisory Board of Londonderry (CABL)~~
 - 2. The educational channel is managed by the School District. The CTV-20 Channel is managed by a studio coordinator under the direction of CABL.
 - 3. ~~ETV-51 is managed by Harron's Program Director in conjunction with the School District Director of Library Media Services and under the direction of the CABL.~~
 - 4. ~~GOV-52 is managed by Harron's Program Director under the~~

~~direction of the CABL.~~
CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION IV ELIGIBILITY TO USE THE PEG ACCESS FACILITY

- A. Use of the PEG Access Facilities is free of charge to community members. Community members include residents of Londonderry and employees of the Town and/or School District and businesses (non-commercial) and organizations that service Londonderry..Other Londonderry organizations and agencies occasionally may wish to utilize those among their membership who do not reside in Londonderry. This is acceptable if the program being produced is officially sponsored by the organization/agency in question.
- B. Community members are eligible to use the facility and/or the equipment therein when they have successfully completed appropriate training. Training in the proper use of the PEG access facility and equipment will be provided by the LAC staff ~~for public access users and Harron's Program Director for educational and governmental users.~~ Training will be provided on an on-going basis. Some areas of production require certification.
- C. Use of the LAC and equipment is a privilege that can be suspended if these policies are not adhered to or if equipment or facilities are misused or abused. In addition, volunteers must abide by the rules of the building in which a shoot is taking place. (see section 14-2.20 for specifics)

SECTION V CHANNEL USAGE

- A. Public Access Channel - Every community member is guaranteed the right to have a program that they produce or sponsor cable cast at least once provided they have signed a statement of compliance *available from the Director* ~~(see addendum)~~ stating that said program is within the guidelines set forth by the Cable Act of 1984 and does not violate

these policies or any federal, state or local ordinances.

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

- B. Educational Access Channel ~~ETV-51~~ - The School District is *responsible for access and content for* ~~not obligated to provide such access (as noted above) to LEO 21 ETV-51 and as such is not subject to the Town's Municipal Code.~~ *may regulate content of any program as per existing School Board policies (see addendum for regulation).* *The School District should be contacted regarding its rules and procedures for LEO 21.*

- C. Governmental Access Channels - ~~or School District.~~ All government automated meeting operators (GAMOs) are trained by the LAC Training Coordinator to use the equipment in the Town Council chambers. GAMOS are paid a stipend to cover meetings. Meetings held off-site will be covered by staff and/or trained volunteers. Coverage will be gavel-to-gavel. Editorial comment is not allowed. Coverage will be live cable cast. When there is more than one meeting to be covered in the same general time frame, the Director will determine coverage priority.

SECTION VI STATEMENT OF PURPOSE

- A. Public access exist to promote a basic tenet. As noted by Sanders, et al. in NFLCP Cable Access Advocacy Handbook “in the 'Electronic Age' the people's freedom of speech means the right to view and create a diversity of information.”

- B. ~~ETV-51 exists to provide a means of communication between the schools and the greater community. ETV-51 also provides for information exchange between schools and learning opportunities in the utilization of the medium of television to produce unique messages.~~

- B. *Government access* exists to provide the community with an opportunity to become informed by viewing, first hand, unedited

coverage of its governing boards and committees.

SECTION VII STATEMENT OF NON-DISCRIMINATION

- A. No individual or group shall be denied access to the PEG channels, access facilities or equipment on the basis of race, color, sex, age, disability, religious or political belief, or sexual orientation.

SECTION VIII ROLE OF LAC STAFF

- A. Director of Cable Services *is responsible for:*
 - 1. Oversees cable franchise
 - 2. Manages facility
 - 3. Supervises staff.
 - 4. ~~Does~~ budgeting and purchasing
 - 5. Teaches orientation class
 - 6. Develops/revises policies as necessary
 - 7. Advises Town Manager and Town Council regarding PEG access and cable television issues

- B. Assistant Director – Public Information Coordinator *is responsible for:*
 - 1. ~~Performs~~ all duties in absence of Director
 - 2. ~~Involved in~~ technology and equipment upgrades
 - 3. Performs or oversees all equipment repairs
 - 4. Solicits relevant programming
 - 5. Schedules programming for public and government access

- C. Training Coordinator *is responsible for:*
 - 1. Scheduling and providing all training
 - 2. Maintaining calendar
 - 3. All duties in absence of Assistant Director
 - 4. Supervising interns
 - 5. Managing special events such as
 - A) Open House
 - B) Non-profits Night
 - C) Media Camps

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION IX EQUAL OPPORTUNITY

- A. The LAC is NOT required to offer equal TIME on its public channels. Public access IS required to offer equal opportunity on a first come, first serve non-discriminatory basis. Any community member willing to be trained can produce programming. Those not wishing to be trained can sponsor programming that is within the guidelines of these policies and conforms to the Cable Act of 1984, or any federal, state or local ordinances.

SECTION IX EQUAL OPPORTUNITY (Cont'd)

- B. ~~ETV 51 also strives to offer equal opportunity on a first come, first-serve basis but is not obligated to do so. The District does not discriminate in providing access but does maintain the right to regulate program content (School Board Policy) and to exercise administrative prerogative in determining priorities of access to channel.~~

C. SECTION X STATEMENTS OF COMPLIANCE

- A. LAC producers/sponsors should be specifically aware of the following public access policies as they will be required to sign a Statement of Compliance for every production and/or program series stating that they will adhere to these policies prohibiting:
1. Advertising of commercial products and/or services
 2. Obscene and/or indecent material (see NH State RSAs)
 3. Material which constitutes libel, slander or invasion of privacy
 4. Use of publicity rights, trademark and/or copyright which violates local, state or federal law.

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION X STATEMENTS OF COMPLIANCE (Cont'd)

- B. ~~ETV 51—ETV 52 producers must observe existing policies and regulations established by the Londonderry School Board and administration. In addition, they will be required to sign a Statement of Compliance for every production/program stating that they will adhere to these policies prohibiting:~~
- ~~1. Advertising material designed to promote the sale of commercial products or services, or material which identifies any product service, trademark or brand name in a manner which is not reasonably related to the non-commercial use of such a product, service, trademark or brand name on the program.~~
 - ~~2. Commercial programming which in whole or in part depicts, demonstrates or discusses products, services or businesses with the intent or substantial effect of benefitting or enhancing a profit making enterprise~~
 - ~~3. The direct solicitation of, or appeals for, funds or other things of value for any and all purposes.~~
 - ~~4. Political endorsements or advertising by or on behalf of candidates for public office.~~
 - ~~5. Material which is obscene.~~
 - ~~6. Any programming which constitutes or promotes any lottery or gambling enterprise which is in violation of any local laws.~~
 - ~~7. Material which constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright, or which may violate any local, state or federal law.~~
 - ~~8. Material which has a reasonable probability of creating an immediate danger or damage to property or injury to persons, or of creating a public nuisance~~
 - ~~9. Material which has a reasonable probability of causing the substantial obstruction of law enforcement or other governmental functions or services.~~

- C. GOVERNMENT ACCESS - Coverage of government access meetings is gavel to gavel and requires no producer, therefore a statement of compliance is not necessary.

SECTION XI FUNDING AND GRANTS

A. ~~The LAC is funded through franchise fees from Harron Cablevision of NH. Financial resources are too limited to allow full funding of every program. Therefore, only equipment or sets that have multiple applications for other users will be considered for funding by the CABL.~~

- 1. ~~CTV-20:~~ Producers who wish to seek funding from other sources may do so under the following guidelines:
 - a. Funds can be solicited for sets, props, costumes, equipment, travel expenses, meals or special services.
 - b. Funds cannot be used to pay volunteers for their labor.
 - c. Goods or services can be sought in lieu of monetary assistance.
 - d. Credit will be given at the end of the program. For example: "The preceding program was brought to you in part by a grant from..."
 - e. This statement may be displayed over an organizational logo if one is provided. It is appropriate to include the location of the organization if that is imperative to their identification (Shaws, Derry), telephone numbers are not allowed but websites are
 - f. Producers should consult with ~~CTV-20~~ public access staff prior to seeking alternative funding.
- 2. ~~ETV-51:~~ Additional funding and grants may be pursued as per School Board Policies.
- 3. ~~GOV-52:~~ Grants, or additional funding will be pursued with the assistance of the Harron Program Director as directed by CABL.

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XII SPONSORSHIP OF PUBLIC ACCESS PROGRAMMING

- A. Locally sponsored programs are those which were produced outside of the LAC but are cable cast at the request of community members
- B. Any community member may sponsor a program and/or series for cable cast at any one time. Completed sponsorship forms will be kept on file at the LAC
- C. Sponsored programs must adhere to the same guidelines that locally produced programs follow and a Statement of Compliance must be signed by the sponsor(s). Sponsorship is good for one playback schedule.
- D. Videos owned by the user must be picked up within two (2) weeks of the last cable cast. After two weeks, the LAC assumes no responsibility for the videos.

SECTION XIII PROFIT

- A. The LAC and/or equipment cannot be used with the intent of financial gain or material profit

SECTION XIV COPYRIGHT

- A. Public Access - The producer of a public access program shall hold the copyright and this information will be noted at the end of every program. In the case of a collaborative effort on a community event where the LAC staff functions as the producer, LAC will hold the copyright.
- B. ~~ETV 52—The Londonderry School district will own or may share copyright for any program(s) produced for ETV 51. The District will share copyright in those instances where a producer other than the District has generated the program concept (excepting the Harron Program Director).~~

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XII SPONSORSHIP OF PUBLIC ACCESS PROGRAMMING

- C. *Government Access* 52 - Gavel-to-gavel coverage of public meetings is in the public domain and may not be copyrighted.

SECTION XV PRODUCERS INFORMATION

The Director shall establish and make available regulations regarding Producers' Information

A. ~~Public Access~~

- ~~1. The raw footage accumulated for a program belongs to the producer and will be retained for his/her use until the final edited program has been cable cast once, at which time the raw footage will be re-cycled.~~

- ~~2. The edited program will be cable cast at least once. The producer may limit additional playback or leave it to the discretion of the studio coordinator.~~
- ~~3. All producers are entitled to make one copy of their program.~~
- ~~4. A program will not be distributed in any way without the permission of the producer.~~
- ~~5. With the written permission of the producer (see addendum Statement of Compliance), public access may keep clips of raw footage tape that are generic or of historical significance.~~
- ~~6. The edited program will be retained in the playback files as long as it is deemed timely. The Assistant Director will then determine whether the program should be archived or re-cycled. As a courtesy the producers will be given two (2) weeks notice prior to the recycling of their edited master.~~

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XV - PRODUCERS INFORMATION (Cont'd)

- ~~7. The LAC may use clips from a producer's program for the purpose of promoting the LAC.~~
- ~~8. Raw footage shall be considered abandoned if the producer does not use it within six months except that a producer may ask for and receive an extension of three months. If the LAC staff is unable to make arrangements to have the original producer finish the program, the footage may then be turned over to another producer for completion of the intended program or any other use.~~

B. ETV-51

- ~~1. Producers must consult with a School District's Administrative Advisory Board member and/or the Director of Library Media Services for program approval before production can begin.~~
- ~~2. The raw footage accumulated for a program belongs to ETV-51 but will be retained at the PEG access facility/High School Library Media Center for editing purposes until the edited master is complete at which time the raw footage will be recycled. With permission from the Director of Library Media Services, raw footage may be brought home for logging/viewing purposes.~~
- ~~3. The School District retains the right to determine the cable cast schedule and procedure for all ETV-51 productions. The Director of Library Media Services shall consult with the Harron Program Director in determining playback schedule. Producers may request (in writing) specific playback times and an effort will be made to accommodate such requests. A~~

~~production will be cable cast at least once and more if determined to be appropriate.~~

4. ~~The School District will determine when/if programs will be copied, shared with other cable systems, bicycled, or entered in a contest. In the case of shared copyrights, the co-producer's permission will be obtained in writing~~

5. ~~No clip showing individuals (students or others) can be used out of its original context without the consent of the School District and written permission of the parent/guardian if appropriate.~~

6. ~~The School District has the right to exercise the option of erasing an obsolete or unusable program. The School district will provide a courtesy notice of two weeks in advance of tape erasure at which time the producer may opt to make arrangements to purchase a blank video cassette and dub the material in question. Arrangements for duplication on all other formats may be made by the producers at their own cost.~~

7. ~~The School District will determine who long raw footage is retained before another editor is assigned to a project or footage is recycled.~~

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XV PRODUCERS INFORMATION (Cont'd)

B. ~~ETV-51 (Cont'd)~~

8. ~~In addition to the above, there may be instances in which administrative prerogative is exercised.~~

C. ~~*Government Access* 52~~ ~~Gavel to Gavel coverage is in the public domain and does not require a producer.~~

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XVI PUBLIC SERVICE ANNOUNCEMENTS (PSAs)

- A. Public Access - Community groups and organizations are encouraged to produce video public service announcements for cable cast on public access. PSAs can be for specific events or to inform the community of a group's existence and purpose, or to share a specific bit of information. All PSAs produced must be video. PSAs cannot be used for the direct solicitation of, or appeals for, funds or other things of value for any and all purposes.
- B. ~~ETV 51— PSAs for cable cast on ETV 51 will be subject to approval by the ETV 51 Advisory Board, but in general, must be educational in nature. PSAs cannot be used to solicit funds for any reason (Section XX—Statement of Compliance) and must be in video format.~~
- C. *Government Access* 52 - Gavel-to-gavel coverage does not incorporate the use of PSAs.

SECTION XVII SCHEDULING

- A. Public Access
 - 1. When determining the playback schedule for public access, the staff will prioritize in the following manner:
 - a. first-run locally produced programs.
 - b. requested repeats of locally produced programs.
 - c. locally sponsored programs, single.
 - d. locally sponsored programs, series.

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XVII SCHEDULING (Cont'd)

- A. Public Access (Cont'd)
2. If, after scheduling programs in the above categories, there is sufficient playback time available, the staff may utilize the following types of programming:
 - a Programs bicycled to the LAC through arrangements with other access centers.
 - b. solicited programs from free loan sources.
 - c. unsolicited programs.
 3. Live programming can pre-empt the playback schedule but must be scheduled in advance. Notice can be waived by the Cable Director under special circumstances.
- B. ~~ETV 51 All scheduling for ETV 51 is done at the discretion of school district officials in consultation with the Harron Program Director.~~
- C. ~~52 Government Access- All scheduling for 52 government channels is done according to the coverage priority. If both channels are being used, the meeting will be recorded for playback. Town Manager and carried out by the Harron Program Director.~~

SECTION XVIII STANDARD FORMAT FOR PROGRAMS

- A. *The Director shall establish and make available regulations regarding program formatting.*
1. ~~credits must include the following information:~~
 - a ~~The preceding program was made possible by the LAC, the production facility for the Town of Londonderry, 281 Mammoth Road, Londonderry, NH, www.LACTV.com, 603-432-1147. Call for more information and learn how to make your own TV~~

~~program. a cooperative effort of the Town of Londonderry, The Londonderry School District and Harron Cablevision of NH.~~

~~b. All sponsors~~

~~c. Crew List~~

~~d. copyright, name of copyright holder and the year.~~

~~A. Public Access (Cont'd)~~

~~4. Whenever applicable, the following information must be included in the credits if locally produced or immediately following the credits if locally sponsored:~~

~~The opinions expressed in this program are not necessarily those of the producer, the public access channel, the Town of Londonderry, the Londonderry School District or Harron Cablevision of NH.~~

~~Music credit~~

~~5. The videos and cases must be labeled with the title of the program, the producer's name, the date, and the total running time (TRT). Any special instructions or information must also be put on the label and/or the Statement of Compliance.~~

~~B. ETV 51 Standard SMPTE Leader format will be used for all ETV-51 programs:~~

~~1. Ten seconds of black at the beginning of every tape~~

~~2. Twenty seconds bars/tone at 0 VU meter~~

~~3. Ten seconds black with ID slate~~

~~4. Count of 10 to 3 to black for two seconds~~

~~5. Credits must include the following information:~~

~~a. The preceding program was made possible through ETV 51 a cooperative effort of the Town of Londonderry, the Londonderry School District and Harron Cablevision of NH~~

~~b. Copyright, name of copyright holder and the year.~~

- B. ~~*Government Access* 52~~ Standard format concerns do not apply to gavel to gavel coverage

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XIX PEG ACCESS VOLUNTEERS UNDER AGE 18/OR STUDENTS

- A. *Volunteers under the age of 18 are encourage to become volunteers under regulations and guidelines as established by the Director.* ~~Public Access~~ Youths under age eighteen (18) are encouraged to become volunteers at the LAC. They are subject to the same rights, privileges and requirements as previously set forth for every community member with one exception. As they cannot be held to an otherwise legally binding document because of their age, they shall be required to have a qualified volunteer or qualified staff member as an advisor whenever they use the facility or equipment. The advisor and the minor's parents/guardian will be required to sign the appropriate agreements and accept responsibility as they would if it were their own project.
- B. ~~ETV 51~~ Students involved with ~~ETV 51~~ shall be subject to the same rights, privileges and requirements as previously set forth for every community member. The one exception is that financial responsibility for the replacement of materials or equipment, or repair of equipment which results from the use, either authorized or unauthorized, misuse or damage by a student shall belong to the student's parent/guardian or to the adult student.
- C. ~~*Government Access* 52~~ Youths under age eighteen (18) are encouraged to become volunteers for ~~the government access channels 52~~. As ~~government access channel 52~~ volunteers, they are subject to the same rights, privileges and requirements as previously set forth for every community member with one exception. As they cannot be held to an otherwise legally binding document because of their age, they shall be required to have a qualified volunteer or qualified staff

~~member as an advisor whenever they use the facility or equipment.
The advisor and the minor's parent/guardian will be required to sign~~

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

**SECTION XIX PEG ACCESS VOLUNTEERS UNDER AGE 18/OR
STUDENTS (con't.)**

~~the appropriate agreements and accept responsibility as they would if
it were their own project.~~

SECTION XX VIOLATION OF POLICIES (OR RULES)

A. Adherence to these policies and their attendant rules is mandatory. The smooth operation of the PEG access facility ensures that the facility is available to as many community members as possible. ~~Therefore the CABL has included a schedule of violations and their consequences as an addendum to these policies and has authorized the studio coordinator and Harron Program Director to enforce them. In the case of ETV 51, the studio coordinator and Harron Program Director are expected to consult with the appropriate school personnel prior to taking any action.~~

SECTION XXI DOCUMENTS SUBSCRIBED TO

A The following documents are included as part of the Londonderry PEG Access Operating Policies and Procedures and are *available from the Director.* ~~attached in addendum:~~

1. Educational channel regulations
2. Equipment checkout agreement
3. Governmental channel policy
4. NHRSA 649 (Child Pornography) and NHRSA 650 (Obscene Matter)
5. Schedule of violations
6. Series sponsors form
7. Sponsorship form

- 8. Statement of compliance form
- 9. Talent release form

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XXII RESOLUTION OF DISPUTE

- A. Public and government access and LAC
 - 1. The Director of Cable Services is responsible for assuring that all public access volunteers/sponsors adhere to these policies.
 - a. A complaint must be submitted in writing to the Director of Cable Services within thirty (30) days after a dispute arises, with a decision passed down within two (2) weeks after submission in writing.
 - b. Should a dispute arise that cannot be resolved at that level, the next recourse for volunteers/sponsors is the Town Manager.
 - 2. If the complainant finds the Director's decision unsatisfactory, he/she may appeal to the Town Manager.

B. ~~ETV-51~~

- ~~1. The Harron Program Director (in consultation with the Director of Library Media Services and the ETV-51 Advisory Group) is responsible for assuring that all ETV-51 volunteers adhere to these policies:
 - ~~a. Any dispute should be submitted in writing to the Harron Program Director within thirty (30) days after a dispute arises, with a decision passed down within two (2) weeks after submission in writing.~~
 - ~~b. If said dispute cannot be resolved at that level (by the Harron Program Director), the next recourse for volunteers is a written appeal to the ETV-51 Advisory Group.~~
 - ~~c. If the dispute remains unresolved, written appeal to the Superintendent of Schools is in order.~~~~

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XXIII PROCESS TO AMEND POLICIES

E. These policies will be reviewed at least once annually. Any proposed changes will be submitted to the *Director of Cable Services* ~~Harron Program Director, the Londonderry School District Director of Library Media Services, ETV-51 Administrative Advisory Board, GOV-52 Advisory Committee, and the Studio Coordinator for their input, prior to the submission of the proposed amendments to CABL.~~

F. ~~To be adopted an amendment requires a two thirds (2/3) vote majority of the CABL~~

G. The Town Council shall have final approval.

SECTION XXIV CAVEAT

A. If there are any items in these policies that are now, or in the future, found to be in conflict with local, state or federal regulations, the wording in these policies will be considered subordinate.

~~(Approved by CABL November 26, 1990)~~

CHAPTER XXIV - CABLE TELEVISION(Cont'd)

SECTION XXV GLOSSARY OF TERMS

Access Channel ~~ETV-51 52~~ The channel space provided to the Town in the cable franchise agreement for carrying PEG.

Addendum *References in this Chapter to documents in the "Addendum", which includes such documents as the Statement of Compliance, Conduct Involving Commercial Products/Services, Compensation for Use of Facilities, Production Rates, Public Access Use Policy, Equipment Check-out Agreement, Talent Release Form, Election Campaign Videos Policy, and Complaint Regarding Objectionable Programming shall be maintained and made available by the Director of Cable Services.*

~~**Administration**~~

~~**Advisory Board** School Administrators designated by the Superintendent of Schools to recommend ETV-51 access policy and formulate regulations~~

Archive Video clips or programs selectively collected and classified for preservation and/or re-use.

Automated Play-Back System A device used to perform pre-determined distribution of programs in sequential order over the public access system.

Bicycled The manner in which video programs are routed to other public access systems

Cable Act of 1984 Federal legislation governing the industry; PL 98-934

Cable Cast Television signal to carry the visual, aural and digital information

Certification The process of training/testing/ certifying developed to

ensure a standard level of competence has been attained in designated production areas.

Clips Abbreviated portions or sections of filmed or video materials.

Community Members Any person who resides in Londonderry, an organization that serves Londonderry and non-commercial business use. Residents of Londonderry and employees of the Town or School District

Complainant The person initiating a complaint in an action or proceeding involving PEG access or the LAC.

Copyright The exclusive, legal right to reproduce, publish and sell the matter and form of a video production.

Edited Program The master recording of a finished production which has been sequenced and electronically sweetened with music, graphics and the like

Editorial Comment Expression of opinion conveyed verbally or through the manipulation of the video or audio portion of the program.

Equal Opportunity Non-discriminatory provision of access to facilities and equipment.

Equipment Parts of the production system that process information but do not store it; (ie: cameras, video recorders, monitors, editor engineering and production racks, etc.)

SECTION XXV GLOSSARY OF TERMS (Cont'd) .

Franchise Agreement

The agreement between the town government and the cable provider granting the company the right to construct and operate a local cable system in exchange for pre-determined considerations for the town.

Generic

Video clips or programs related to or characteristic of general areas of interest.

Historical Significance

Video clips or programs deemed to be of value for the archives.

Locally

Within the transmission capabilities of public access.

Locally Produced Programs produced by community member(s).

Locally Sponsored Programs

Non-locally produced programs sponsored by community member(s).

Londonderry Organizations

Any non-profit organization based in Londonderry or providing services to Londonderry.

PEG Access Channel

A cable channel on a home subscriber system (including educational and government channels) reserved for programming produced or coordinated by community members.

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XXV GLOSSARY OF TERMS (Cont'd)

PEG Facilities	The studio, control room and office area located at 281 Mammoth Road, commonly referred to as the LAC.
Playback	The process of cable casting a television program for reception by home subscribers.
Public Service Announcement(PSA)	A short (usually no more than 60 to 90 seconds) informative piece designed to provide facts of interest to the public.
Qualified LAC	A community member who has received appropriate training from
Volunteer	LAC staff in designated areas of production
Raw Footage	Non-edited video and the material contained in that video.
Recycled	The re-use of various video formats.
Series	Programs which share a commonality; all deal with the same topic, or the same producer, or they are produced under the same title, or more than one program sponsored by the same person.
SMPTE	Society of Motion Picture and Television Engineers
Sponsorship	Assumption of responsibility for a non-locally produced program by a community member(s).

CHAPTER XXIV - CABLE TELEVISION (Cont'd)

SECTION XXV GLOSSARY OF TERMS (Cont'd)

**Statement of
Compliance**

Agreement signed by all
producers/sponsors to attest that they will abide by
LAC policies, rules and procedures as they relate
to the operation and governance of the facilities
and channels.

Timely

Determination as to playback
potential based on the continuing usefulness of the
program.

~~End of Chapter~~

CHAPTER II - TRAFFIC SAFETY COMMITTEE

SECTION I MEMBERSHIP

A. There shall be a Traffic Safety Committee consisting of the following seven (7) members:

1. Chief of Police
2. Town Manager
3. Public Works Director
4. Superintendent of Schools (or designee)
5. Member of the Town Council

6. **Fire Chief**

~~6.7. Two One Members of the Public - One from business community, and one member at large.~~

SECTION II PURPOSE

A. The Traffic Safety Committee shall study **traffic safety issues**, plan **and present traffic ordinances for the Town Council's consideration**, and issue an annual report to the Town Council.

SECTION III RULES AND REGULATIONS

A. The Traffic Safety Committee shall adopt such rules and regulations for the exercise of their functions granted herein and shall submit these rules and regulations to the Town Council for approval prior to adoption.

B. The Traffic Safety Committee shall adhere to the U.S. Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) and the New Hampshire Department of Transportation publication "*Traffic Control Standards, Statutes, & Policies*" as amended from time to time and as adopted by Town Meeting, 1994.

C. Requests and Notifications

1. Members of the Committee may bring any issues of safety that they may deem necessary by requesting that the Chairman place the item on the agenda of any Traffic Safety Committee meeting.

CHAPTER II - TRAFFIC SAFETY COMMITTEE (Cont'd)

SECTION III RULES AND REGULATIONS (Cont'd)

C. Requests and Notifications (Cont'd)

2. Employees of the Town of Londonderry have a responsibility to report hazardous traffic conditions they may observe. Emergency conditions should be reported immediately to the Police Department Communications Center.

3. Members of the public who wish to bring a traffic safety issue before the Committee or who desire to appear before the traffic Safety Committee should be advised to contact by letter or to call the Chief of Police, or the Chairman of the Committee. Letters should include a description of the traffic safety hazard or condition to be addressed, any recommendations or solutions to the issue, and any other pertinent information the person feels important to include.

SECTION IV PROCEDURES

A. Upon receipt of a written request, the ~~Chairman~~ **Committee** shall determine whether a Traffic Survey is required. Should the Committee ~~Chairman~~ decide a Traffic Survey is needed, it will then be decided by the ~~Chairman~~ **Committee** which of the following surveys will be completed and shall request that the Chief of Police or his/her designee complete the same:

1. Speed and traffic counts with equipment provided by the State of New Hampshire and/or the Southern New Hampshire Planning Commission.
2. Speed and traffic counts by Police Department personnel using available speed detecting equipment
3. Review of traffic accident data where and when available
4. Area, road and site inspection by a member of the Police Department, member of the Public Works Departments, and/or a member of the Fire Department where fire lanes are being considered.

CHAPTER II - TRAFFIC SAFETY COMMITTEE (Cont'd)

SECTION IV PROCEDURES (Cont'd)

B. Committee Agenda Scheduling

1. After receipt of a request and other pertinent information, surveys, or research regarding an issue, the Chairman shall contact the originator and schedule the issue for **the next scheduled Committee meeting** ~~an agreeable time and date.~~

2. Any issue brought before the Committee shall be considered during ~~an open~~ **a regular or special Committee** meeting and involve a review of any pertinent statutes or ordinances; appropriate Federal and State Traffic and/or Safety standards, and a review of traffic surveys, departmental input or other data presented.

3. **The Committee shall at all times operate in compliance with RSA 91-A, the Right-to-Know Law.**

C. Follow Up

1. The Chairman will inform the requestor or originator of the review of an issue of any decisions reached by the Committee or action or information resulting from the request. Such notification shall be in writing and in a timely manner.

2. ~~Should the decision of the Committee be that a revision to the Traffic Safety Code is required, proper care shall be taken to adhere to the provisions of the Charter Section 7 for requesting same.~~

CHAPTER X - MISCELLANEOUS PROVISIONS

SECTION I OBSTRUCTION OF VIEW

A. It shall be unlawful for the driver of any vehicle to drive same when such is so loaded, or when there are in the front seat of said vehicle such number of persons, as to obstruct the view of the driver to the front or sides, or to interfere with the operator's control over the driving mechanisms of the vehicle.

B. It shall be unlawful for any passenger in any vehicle to ride in such position as to interfere with the driver's view ahead or on the sides, or to interfere with the driver's control over the driving mechanisms of the vehicle.

SECTION II UNLAWFUL RIDING/CLINGING TO VEHICLES

A. It shall be unlawful for any person to ride on any portion or part thereof of any vehicle which was not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty or person riding within truck bodies in space intended for merchandise.

B. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle upon any roadway.

C. It shall be unlawful for the operator of any bicycle or motorcycle, when upon the street, to carry any other person upon the handle bar, frame or tank of any vehicle, or for any person to so ride upon any such vehicle.

D. It shall be unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device, to go upon any roadway except while crossing a street or crosswalk.

E. It shall be unlawful for any person upon roller skates, skateboard, coaster, toy vehicle or other similar device to go upon any parking area suitably posted to prohibit such activity.

CHAPTER X - MISCELLANEOUS PROVISIONS (Cont'd)

SECTION IV THRU TRAFFIC

- A. Except for public safety and highway maintenance vehicles, there shall be no through traffic permitted on the most southerly portion of Buttrick Road from the intersection with Route 102 northerly to the northerly boundary of Tax Map 6, Lot 33-A, at the New Hampshire Highway Department concrete bound.**

- B. *Except for public safety and highway maintenance vehicles, there shall be no through traffic permitted on the section of Mammoth Road, both north and south, of the Page Road Intersection.***

SECTION V NOISE

- A. Except for public safety and highway maintenance vehicles, there shall be no operation of trash pick up vehicles between the hours of 11:00 PM and 6:00 AM in that portion of any commercially or industrially zoned district which immediately abuts a residential area.**

- B. No person shall operate any off road vehicle, motorcycle, dirt bike, lawnmower, or other similar vehicle or device in any residential area between the hours of 10:00 PM and ~~10:00 AM.~~ **7:30 A.M.****

CHAPTER III - FIRE PREVENTION

Language added appears in ***bold italics*** Language deleted appears ~~struekthrough~~

SECTION I

~~FIRE AND BUILDING CODES~~ *LIFE SAFETY*
CODES

- A. ~~Adoption of Codes—The Town has voted to adopt the following Codes of the Building Officials Code (BOCA), Administrators' International and National Fire Protection Association (NFPA), with certain changes and additions as noted:~~ ***The provisions of the New Hampshire State Fire Code Saf-C 6000 (NFPA 1) shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.***
- B. ***The provisions of the New Hampshire State Fire Code Saf-C 6000 (NFPA 1) and the referenced codes and standards therein are hereby adopted as part of this Chapter, as allowed under the provisions of RSA 153:14, except where amended or modified herein.***
1. ~~BOCA Building Code, 1990 edition, as adopted by the Town of Londonderry.~~
 2. ~~BOCA Fire Prevention Code, 1990 edition, with the following changes:~~
 - a. ~~Delete Section F 111.3 and insert in its place the following:~~
 - b. ~~Delete Section F 112.2 and insert in its place the following:~~
 3. ~~Delete Section 112.2.6 and insert in its place the following:~~

~~"Compensation, if any, will be determined by the Town Council"~~
 4. ~~NFPA 1, 1992 edition~~
 5. ~~NFPA 101, Life Safety Code, 1994 edition~~
 6. ~~NFPA 10, 1994 edition~~
 7. ~~NFPA 13, 1994 edition~~
 8. ~~NFPA 13R, 1994 edition~~
 9. ~~NFPA 13D, 1994 edition~~
 10. ~~NFPA 30, 1993 edition~~

CHAPTER III - FIRE PREVENTION (Cont'd)

~~FIRE AND BUILDING CODES~~ **LIFE SAFETY**
CODES (Cont'd)

11. ~~NFPA 31, 1992 edition~~
12. ~~NFPA 54, 1992 edition~~
13. ~~NFPA 58, 1992 edition~~
14. ~~NFPA 70, 1993 edition~~
15. ~~NFPA 72, 1993 edition~~
16. ~~NFPA 96, 1994 edition~~
17. ~~NFPA 211, 1992 edition~~
18. ~~Section D Delete NFPA 101, 1988 Edition, replace with NFPA 101, 1994 edition~~
19. ~~Section E Delete NFPA 10, 1990 Edition, replace with NFPA 10, 1994 Edition~~
20. ~~Section F Delete NFPA 13, 1991 Edition, replace with NFPA 13, 1994 Edition~~
21. ~~Section G Delete NFPA 13R, 1991 Edition, replace with NFPA 13R, 1994 Edition~~
22. ~~Section H Delete NFPA 13D, 1991 Edition, replace with NFPA 13D, 1994 Edition~~
23. ~~Section O Delete NFPA 96, 1991 Edition, replace with NFPA 96, 1994 edition~~
24. ~~AMENDMENTS 04/14/03~~

~~Replace NFPA 1, Fire Prevention Code 1997 Edition with *NFPA 1, Fire Prevention Code, 2000 Edition*, with the following changes:~~

~~Delete Section 1-8.1 through 1-8.5, and replace it with "*1-8.1 The Board of Appeals will be the Londonderry Zoning Board of Adjustment*".~~

~~Replace NFPA 13, Standard for Installation of Sprinkler Systems, 1996 Edition with *NFPA 13, 2002 Edition*.~~

~~Replace NFPA 13D, Standard for the Installation of Sprinkler Systems in one and two family dwellings, 1999 Edition with *NFPA 13D, 2002 Edition*.~~

- A. ~~Adoption of Codes (Cont'd)~~
~~AMENDMENTS - 4/14/03 (Cont'd)~~

~~Replace NFPA 13R, Standard for the Installation of Sprinkler Systems in residential occupancies, 1996 Edition, with *NFPA 13R*,~~

~~2002 Edition.~~

CHAPTER III - FIRE PREVENTION (Cont'd)

~~FIRE AND BUILDING CODES~~ **LIFE SAFETY CODES** (Cont'd)

~~Replace NFPA 30, Flammable and Combustible Liquids Code, 1996 Edition, with **NFPA 30, 2000 Edition.**~~

~~Adopt **NFPA 30A, Automotive and Marine Service Station Code, 2000 Edition**~~

~~Replace NFPA 31, Standard for Installation of Oil Burning Equipment, 1997 Edition with **NFPA 31, 2001 Edition.**~~

~~Replace NFPA 54, National Fuel Gas Code, 1996 Edition with **NFPA 54, 2002 Edition.**~~

~~Replace NFPA 58, Standard for Storage and Handling of LPG, 1996 Edition, with **NFPA 58, 2001 Edition.**~~

~~Replace NFPA 72, National Fire Alarm Code, 1996 Edition with **NFPA 72, 2002 Edition**~~

~~Replace NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Equipment, 1998 Edition, with **NFPA 98, 2001 Edition.**~~

~~Replace NFPA 101, The Life Safety Code, 1997 Edition, with **NFPA 101, 2000 Edition.**~~

~~Replace NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, 1996 Edition with **NFPA 211, 2000 Edition.**~~

~~Adopt **The International Building Code, 2000 edition**, with the following change: Delete Section 112.1 and replace it with **"112.1 - The Board of Appeals will be the Londonderry Zoning Board of Adjustment. Delete Section 112.3.**~~

~~Replace BOCA National Fire Prevention Code, the 1999 Edition with **The International Fire Code 2000 Edition**, with the following change: Delete Section 108.1 and replace it with the following: **"108.1 - The Board of Appeals will be the Londonderry Zoning Board of Adjustment."**~~

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION I **FIRE AND BUILDING CODES** *LIFE SAFETY CODES* (Cont'd)

A. ~~Adoption of Codes (Cont'd)~~
~~AMENDMENTS - 4/14/03 (Cont'd)~~

~~Adopt the *International Mechanical Code, 2000 Edition* with the following change: Delete Section 109.2 through 109.7 and replace it with the following: "*109.2 - The Board of Appeals will be the Londonderry Zoning Board of Adjustment*".~~

C. **EXCEPTIONS AND VARIANCES to the STATE FIRE CODE**

The state fire marshal shall retain exclusive authority to grant exceptions or variances to the state fire code to the extent that such action will provide a degree of safety substantially equivalent to that provided under the provisions from which the exception or variance is granted.

D. **PLACES OF ASSEMBLY**

Pursuant to the provisions of RSA 155:1 no "Places of Assembly" shall be erected or used in any manner as to endanger the health and safety of persons who may occupy them. No person shall own or operate a place of assembly within the Town of Londonderry unless licensed so to do by the licensing agency, in accordance with the provisions of RSA 155:18.

E.

SECTION II **DEFINITIONS** - Add the following definitions to all codes adopted by reference in this ordinance:

A. The terms "authority having jurisdiction" "official" and "fire official" shall mean the Fire Chief *as delegated by the state fire marshal* and his designee or designees.

B. The terms "designee" or "designees" shall mean anyone appointed by the Fire Chief to enforce ~~these codes.~~ *the provisions of this Chapter.*

C. *"Licensing agency" shall mean the chief of the fire department, or the Fire Chief's designee.*

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION II DEFINITIONS (Cont'd)

D. "Places of assembly" , as defined by RSA 155:17, shall mean a room or space in which provision is made for the congregation or assembly of 100 or more persons for religious, recreational, educational, political, social or amusement purposes or for the consumption of food or drink

SECTION III ~~SMOKE/HEAT DETECTORS~~ ~~INSPECTION RESPONSIBILITIES~~

A. SCHOOL BUILDINGS

~~Every occupied dwelling unit must have at least one smoke and/or heat detector for the protection of life and property.~~

It shall be the responsibility of the Fire Chief, or his designee, to annually inspect all school buildings in the Town of Londonderry, as required by the provisions of RSA 153:14, II. (b). The Fire Chief shall submit a written report to the state fire marshal detailing any state fire code compliance issues no later than December 15th each year. A copy of the report shall be provided to the school superintendent and school board members.

B. PLACES OF ASSEMBLY

~~Smoke and/or heat detection devices required by this regulation shall be approved by Underwriter Laboratories (U.L.) or Factory Mutual (F.M.), and shall be capable of producing an audible alarm of sufficient loudness to awaken occupants of every dwelling unit that they are designed to protect, and shall be maintained operating condition at all times.~~

All "Places of Assembly", in the Town of Londonderry shall be required to obtain a license to operate from the "Licensing Agency" annually. The "Licensing Agency" is authorized to conduct inspections, in accordance with the provisions of RSA 155:34, and to issue written orders for correction of any life safety deficiencies.

C. OTHER BUILDINGS (non-residential)

~~These requirements are in addition to any other detection or suppression system that is required.~~

Any building equipped or to be equipped with a fire suppression system or fire detection system shall be inspected by the fire department for the purpose of assuring that the system is properly functioning, annually tested and meets the New Hampshire State Fire Code Saf-C6000

Any building that contains processes or storage of materials that are considered dangerous, hazardous, combustible or flammable shall be inspected by the fire department to determine that all are in compliance with the New Hampshire State Fire Code Saf-C6000.

~~D. All occupied dwelling units shall have such detection devices installed in accordance with the written instructions issued and enforced by the Londonderry Fire Department or Inspection Department.~~

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION III *INSPECTION RESPONSIBILITIES* (Cont'd)

~~E. Any person who shall violate any of the above provisions shall upon conviction thereof be fined not more than one hundred (\$100.00) dollars. Every day that a violation continues after the owner has received notice of the existence of the condition that constitutes the violation shall be deemed a separate offense~~

SECTION IV PENALTY

A. Penalty for Violation. Any person, firm or corporation violating any of the provisions of *any code or referenced standard adopted by this Chapter shall be subject to the fines and penalties as prescribed by RSA 674:15 and 676:17.* ~~the BOCA Fire Prevention Code or any NFPA Code adopted by reference in this ordinance or failing to comply with any order issued pursuant to any section thereof shall be guilty of a violation and subject to a fine not to exceed One Thousand Dollars (\$1,000) for each offense. Each day the violation continues after a service of notice shall be deemed as a separate offense.~~

SECTION V FIRE PERMITS, FEE SCHEDULE

A. The Town has voted to adopt a fee schedule for the issuance of permits by the Londonderry Fire Department. Said permits will be issued in accordance with the *State Fire Code Saf-C 6000, as allowed under the provisions of RSA 153:5.* ~~Fire Prevention Codes as outlined in Building Officials and Code Administrators International, National Fire Protection Association, and State of New Hampshire RSA 155 A. This adoption is by reference as permitted by RSA 153:5.~~

CHAPTER III - FIRE PREVENTION (Cont'd)
SECTION V FIRE PERMITS, FEE SCHEDULE (Cont'd)

B. Fee Schedule Changes as of 4/14/03:

<i>Permit</i>	<i>Fee</i>	<i>Term</i>
Open Burning	No Charge	24 Hours
Oil Burning Equipment	\$25.00	One Time Fee
Gas Burning Equipment	\$25.00	One Time Fee
L.P.G. Tanks	\$25.00	One Time Fee
Tank Removal	\$25.00	One Time Fee
<i>Plan Review Sprinklers</i>	<i>\$1 per Sprinkler Head or \$25, whichever is greater</i>	<i>Paid when plans are submitted</i>
<i>Plan Review Alarms</i>	<i>\$1 per device, including initiation and notification devices or \$25, whichever is greater</i>	<i>Paid when plans are submitted</i>
Alarm/Sprinkler Permit	\$25.00	One Time Fee
Combustible Storage	\$25.00	One Year
Flammable/Combustible Liquid Storage	\$25.00	One Year
Flammable Finishes	\$25.00	One Year
Place of Assembly	\$25.00	One Year
Blasting	\$100.00	One Year
Firework Sales	\$1,000.00	One Year

C. The Fire Department shall develop and issue permits for all gas burning equipment.

1. Said equipment shall be installed in accordance with the adopted fire prevention codes of the Town of Londonderry.
2. The permit fee shall be twenty five (\$25) dollars.

C.D. Existing occupancies with renewable permits will be assessed permit fees

as existing permits are renewed.

- D.~~E.~~ The permit fee for all other permits required by adopted fire codes, with the exception of the above, shall be ~~twenty five (\$25)~~ ***no greater than fifty dollars (\$50).***
- E.~~F.~~ There shall be no fee charged for permits for outside burning.
- F.~~G.~~ Town-owned buildings shall be exempt from all permit fees.
- G.~~H.~~ The Chief of the Fire Department or his/her designee, upon passage of this ordinance, will establish Administrative Rules governing the issuance of permits. The Town Council will review and adjust the fees as necessary every two years.

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION VI MUTUAL AID SYSTEM, PUBLIC SAFETY SERVICES

- A. Pursuant to RSA 154:30-a, the Town authorizes the Fire Department to enter a District Fire/Hazardous Materials Mutual Aid system.

SECTION VII CONTROL AND CONTAINMENT OF HAZARDOUS MATERIALS

- A. Authority -This ordinance is enacted under the authority of RSA 31:39, RSA 41:11, RSA 47:17 VI, and RSA 154.
- B. Purpose - To provide for the control and containment of hazardous materials after accident or discharge. The purpose of this ordinance is not to impose upon the Town, or any of its officers and agents, any obligation to secure or remove any hazardous material from the Town, once safe containment of the material is made; and that nothing in the ordinance is intended to relieve any owner or person in possession of hazardous material of any obligation imposed by State or Federal law; and specifically, that nothing in this ordinance shall be deemed to permit the possession, storage, or use of hazardous materials, except in conformance with all State, Federal or Local laws.
- C. Application - This ordinance shall apply to all incidents involving hazardous waste or hazardous materials within the boundaries of the Town of Londonderry and to all persons who may possess such materials found within the Town except as prevailing State or Federal laws or regulations may take precedence and control over any such incident or person. (See RSA 146-A, RSA 147 and RSA 265:115-118 for examples of such prevailing State law at the time this ordinance is adopted).
- D. Definitions-For the purpose of this ordinance, the following definitions

shall apply:

1. **Hazardous Materials.** Those substances or materials in such quantity or form which may pose an unreasonable risk to health and safety or property, which may include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids and solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases which are listed by the Materials Transportation Bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations, and any amendment thereto.

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION VII CONTROL AND CONTAINMENT OF HAZARDOUS MATERIALS (Cont'd)

2. **Person.** Any individual, corporation, partnership, trust or other legal entity.
3. **User.** Any person who manufactures or transports, or owns, uses, handles, stores, or has the legal authority to control hazardous materials, specifically including their officers, directors, employees and agents.
4. **Responsible Party.** Any individual, partnership, corporation, association, trust, or other entity partially or solely responsible for the release of any hazardous material within the Town.
5. **Cleanup.** The management, control, containment, recovery, removal or neutralization of any released hazardous material for the purpose of promoting or protecting public health or safety.

SECTION VIII DUTY TO REPORT

- A. Any person who causes or has knowledge of any discharge or release of hazardous materials from their safe container, in any manner which poses an actual or potential threat to people, animals, wildlife, vegetation, property, or the environment, shall immediately report the incident to the Londonderry Fire Department.

SECTION IX CLEANUP

- A. The user or transporter of a hazardous material which is intentionally or accidentally discharged or released within the Town shall, in addition to

reporting the accident as required by Section ~~12-3.5~~ *VII of this Chapter*, take immediate action to cause the discharge or release to be cleaned up in an environmentally safe and scientifically sound manner, and to restore the site and the surrounding environment.

SECTION X INTENTIONAL DISCHARGE OR RELEASE

- A. The intentional discharge or release of a hazardous material within the Town of Londonderry is strictly prohibited.

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION XI COST RECOVERY

- A. Upon the completion of any cleanup in which Town employees participated, all costs incurred by the Town, either within the Town or outside of the Town pursuant to the provisions of the Mutual Aid System, shall be itemized by each Town Department involved, including the Fire Department. Such costs shall include, but are not limited to
 - 1. The cost of cleaning, repair, restoration or replacement of any Town material or equipment used in the cleanup,
 - 2. The costs of any illness or injury sustained by any employee who participated in the cleanup, involved in the emergency response, and
 - 3. The cost of the Fire, Police, Public Safety and Municipal personnel
 - 4. The costs of all contracted services utilized in the cleanup.
- B. The Fire Department shall, upon receipt of these itemizations, submit a bill for the full cost of the cleanup or emergency response activities, to the responsible party or parties within thirty (30) days after the Town's response is concluded. The bill shall include a description of costs incurred. Bills for less than the full amount of these costs shall be allowed, provided that the responsible party is advised of the reason therefore and the approximate date by which it can expect to receive a complete bill.
- C. Each responsible party shall be jointly and severally liable to the Town for the costs of the cleanup for which they are responsible. Such costs may be collected by any lawful means including, but not limited to, appropriate court proceedings. All funds received from responsible parties shall be forwarded to the Finance Department for deposit in the Town treasury.
- D. Any and all costs recovered from a responsible party shall be separate

from and in addition to any penalty that may be assessed for any violation of any provision of this article.

SECTION XII PENALTIES

- A. Any person who fails to report, as required by Section ~~42-3.5~~ **VII A. of this Chapter** shall be assessed a penalty not to exceed one thousand (\$1,0000) dollars, **as provided by RSA 31:39**. Each 24-hour period that the incident is not reported shall constitute a separate violation.

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION XIII PENALTIES (Cont'd)

- B. Any person who intentionally discharges or releases, or causes another to discharge or release any hazardous materials from their safe container, in any manner which poses an actual or potential threat to people, animals, wildlife, vegetation, property, or the environment, shall be assessed a penalty not to exceed one thousand (\$1,000) dollars, **as provided by RSA 31:39**.
- C. Any person who fails to take the action required by Section ~~42-3.6~~ **VIII A. of this Chapter** shall be assessed a penalty not to exceed one thousand (\$1,000.00) dollars, **as provided by RSA 31:39**. Each 24-hour period that a person fails to take action to cause the discharge or release of a hazardous material to be cleaned up, shall constitute a separate violation.

SECTION XIV REMEDY NOT EXCLUSIVE

- A. Nothing in this ordinance shall be construed to limit any other remedy the Town may have to collect from a responsible party the cost of control and containment of hazardous materials incidents.

SECTION XV USE OF COSTS AND PENALTIES COLLECTED

- A. All costs and penalties collected under this ordinance shall be placed in the General Fund.

SECTION XVI EMERGENCY OPERATIONS

- A.. The Fire Chief of the Town of Londonderry, or his designated representative(s), shall take, and be in control of, any actions necessary to mitigate a hazardous materials incident within the Town of Londonderry, except where State or Federal agencies have jurisdiction by law.

SECTION XVII ENFORCEMENT

- A. The Fire Department of the Town of Londonderry shall be responsible for enforcing this ordinance.

CHAPTER III - FIRE PREVENTION (Cont'd)

SECTION XVIII REPEAL

- A. Any provision of any ordinance which is inconsistent with this ordinance is hereby repealed.

SECTION XIX SEVERABILITY

- A. If any section, subsection, sentence, clause, phrase, or part of this ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions; which shall remain in full force and effect; and, to this end, the provisions of this ordinance are severable.

~~End of Chapter~~

ORDINANCE #2011-09
AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO REZONING MAP 15, LOTS 183, 184 AND
185, MAMMOTH ROAD;
AND MAP 13, 96B, ROCKINGHAM ROAD TO C-II

Introduced: 8/15/11

Second Read/Pub Hrg: 9/12/11

Adopted: 9/12/11

WHEREAS the Planning Board has received separate requests to rezone the above-referenced parcels to C-II; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon these requests; and

WHEREAS the requested rezoning would further expand the Town's non-residential tax base and is consistent with existing land use patterns and surrounding zoning;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 15, Lots 183, 184 and 185, Mammoth Road from C-I to C-II; and Map 13, Lot 96B from AR-I to C-II, to become effective upon passage by the Town Council

Sean O'Keefe
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
xx/xx/xx

Town Seal



TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division

Timothy J. Thompson, AICP, Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x103 Fax: (603) 432-1128
e-mail: tthompson@londonderrynh.org

To: Town Council
CC: Building Division

From: Timothy J. Thompson, AICP

Date: July 14, 2011

Subject: Rezoning Recommendation from the Planning Board

On July 13, 2011, the Planning Board held 2 public hearings relative to the Zoning Ordinance and Map.

The Planning Board, by a unanimous vote, recommends the approval of the following:

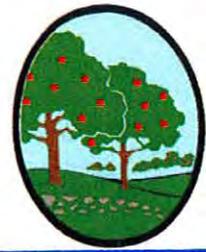
1. Rezoning of Tax Map 15, Lots 183, 184, & 185 from C-I to C-II; and
2. Rezoning of Tax Map 13, Lot 96B from AR-I to C-II.

A copy of the staff recommendations for the rezonings are attached.



TOWN OF LONDONDERRY
Community Development Department
Planning & Economic Development Division

268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x134 Fax: (603) 432-1128



REZONING APPLICATION



Name of Applicant: L-TOWN GARAGE, LLC

Name of Lot Owner: CROWNING HOLDING, INC (KATHY BERGER)
(If different)

Address: P.O. BOX 412, CANDIA, NH 03034

Telephone #: 603-587-0060

Date Submitted: _____

Tax Map # 015 Lot # 183/184
(Please list all if multiple lots are involved)

Current Zoning: C1

Proposed Zoning: C2

Please explain the purpose and justification for your rezoning request (attach additional sheets if necessary):

For the short term, to provide off-site parking for Friends of Mosque donated vehicles.

Planning Department Comments (to be filled in by Town Staff):

See Staff Recommendation dated 7/13/11

MEMORANDUM

To: Planning Board

Date: July 13, 2011

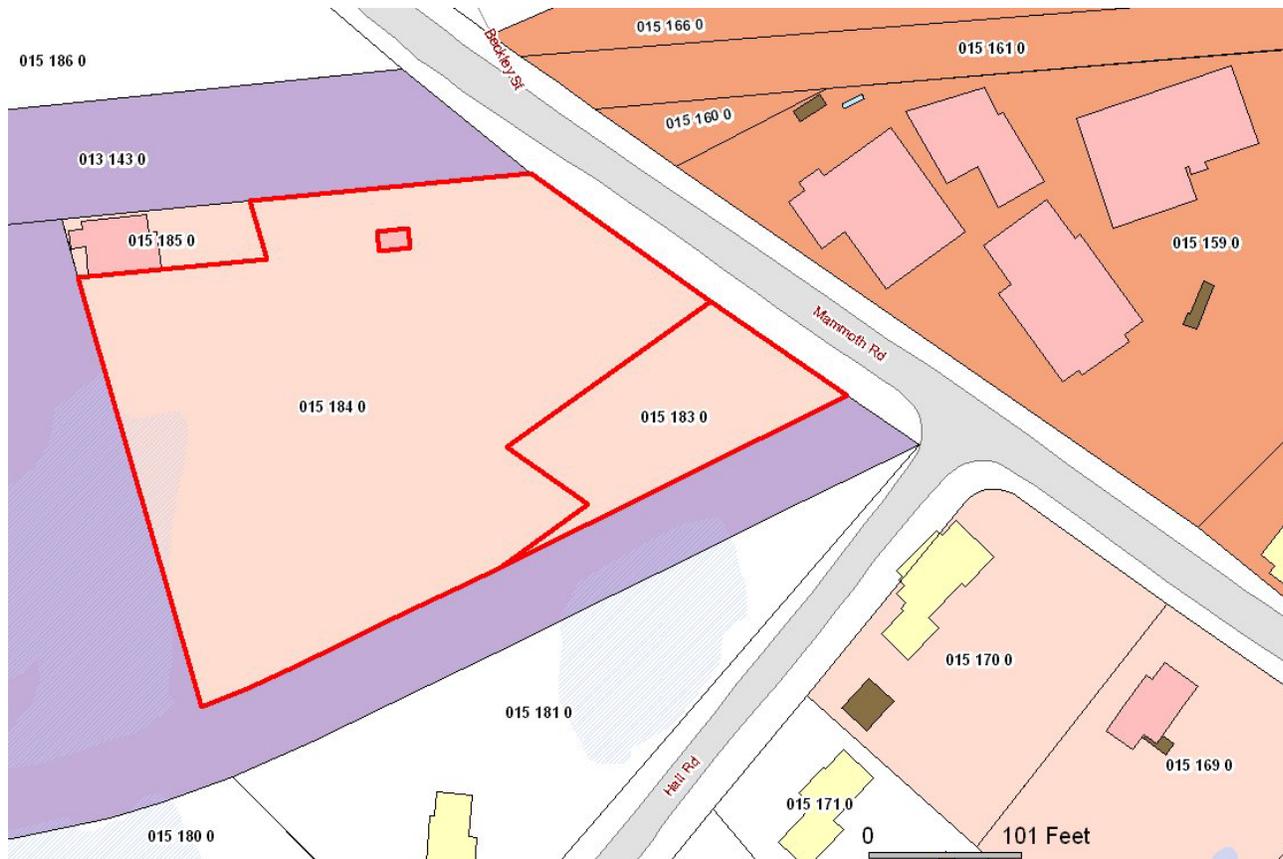
From: Timothy J. Thompson, AICP
Town Planner

Re: Rezoning Request:
Map 15, Lots 183 & 184
From C-I to C-II

The Planning & Economic Development Division has reviewed the above referenced rezoning request and we offer the following comments:

Review Comments:

The applicant requests the rezoning the above referenced lot from C-I to C-II. The parcel is located on Mammoth Road in the north village area. (See below map and picture).





TOWN OF LONDONDERRY
Community Development Department
Planning & Economic Development Division



268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x134 Fax: (603) 432-1128

REZONING APPLICATION

Name of Applicant: ROBERT E. & JUDITH A LYNCH

Name of Lot Owner: _____
(If different)

Address: 9 ASHLEY DRIVE LONDONDERRY NH 03053

Telephone #: 603-434-5105

Date Submitted: 6/22/2011

Tax Map # 13 Lot # 96B-0
(Please list all if multiple lots are involved)

Current Zoning: RES/AGRI

1 Rockingham rd.

Proposed Zoning: COMMERCIAL

Please explain the purpose and justification for your rezoning request (attach additional sheets if necessary):

TO ENABLE EXPANDED USE OF CURRENT
SITE PLAN.

Planning Department Comments (to be filled in by Town Staff):

See Staff Recommendation dated 7/13/11

MEMORANDUM

To: Planning Board

Date: July 13, 2011

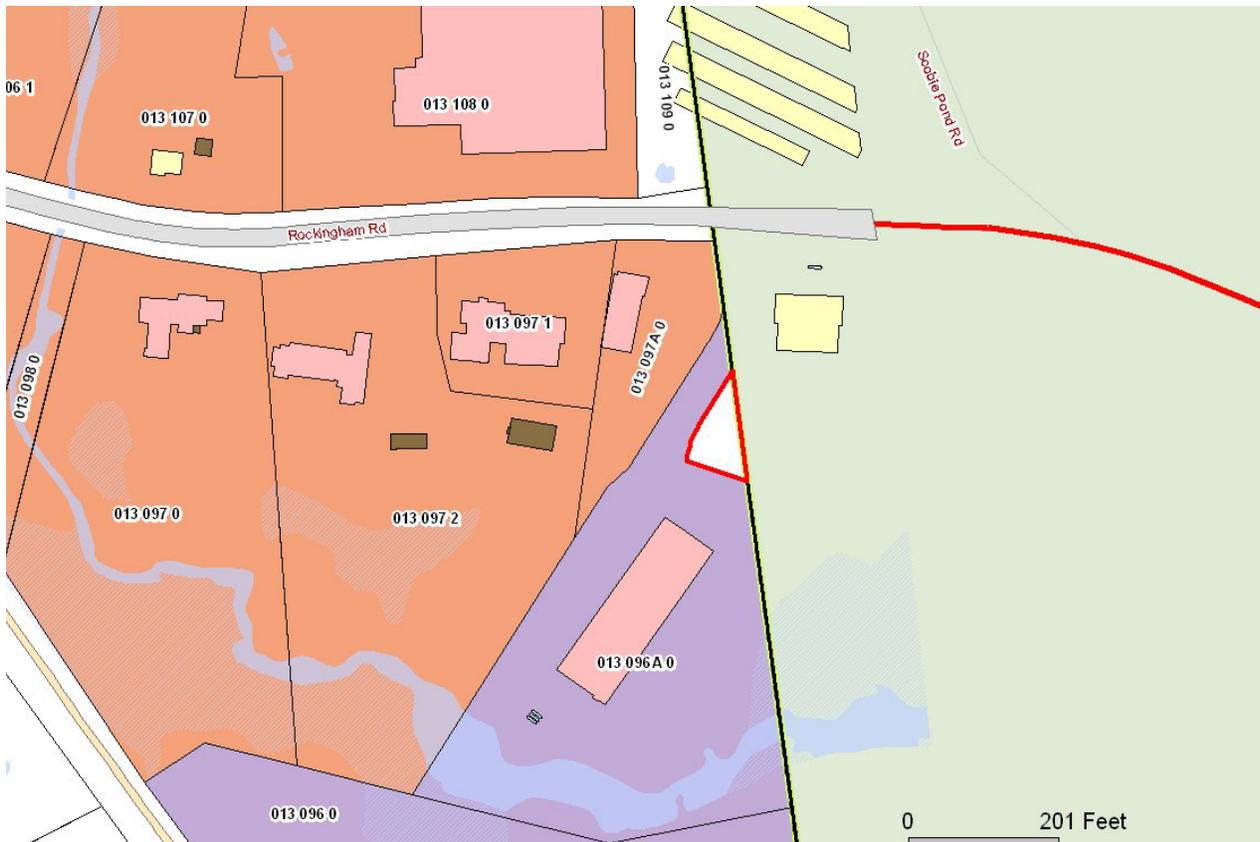
From: Timothy J. Thompson, AICP
Town Planner

Re: Rezoning Request:
Map 13, Lot 96B
From AR-I to C-II

The Planning & Economic Development Division has reviewed the above referenced rezoning request and we offer the following comments:

Review Comments:

The applicant requests the rezoning the above referenced lot from AR-I to C-II. The parcel is located off Rockingham Road at the Derry Town line. (See below map and picture).





As was presented to the Planning Board conceptually on June 8, the applicant seeks to expand his auto sales business on this parcel, located primarily in Derry, but with a small portion located within Londonderry (a site plan from 2006 was approved by Derry). The parcel is surrounded on all sides by commercial and industrial zoning, and the use is consistent with the surrounding land uses and zoning districts. It appears that this portion of the lot within Londonderry (as well as land across the street where the storage warehouse use is located) were never given a zoning district since the majority of the land was within Derry, and the default zoning assigned to the portion of the land in Londonderry was AR-I.

The 2004 Master Plan does not specifically call for the re-zoning of this area; however the proposed zoning is consistent with existing land use patterns and surrounding zoning.

Staff Recommendation:

In summary, the rezoning is consistent with the Master Plan and surrounding land uses/area zoning. As such, staff recommends that the Planning Board **RECOMMEND** this rezoning from AR-I to C-II to the Town Council.

RESOLUTION #2011-12

Relative to the establishment of a
PUBLIC SAFETY DISPATCH SERVICES STUDY COMMITTEE

First Reading: 8/15/11
Adopted: 8/15/11

WHEREAS the Londonderry Town Council has reviewed various options regarding public safety dispatch services in Londonderry in accordance with Section 4.9B of the Town Charter; and

WHEREAS the Council remains interested in insuring that municipal services are delivered in the most efficient manner possible without compromising public safety; and

WHEREAS the Council believes that input from a Committee formed to further study this issue will assist with the decision making process;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Public Safety Dispatch Services Study Committee shall undertake the responsibilities as set forth in the "Committee Charge", a copy which is hereto attached.

Sean O'Keefe, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
8/15/11

LONDONDERRY
“PUBLIC SAFETY DISPATCH SERVICES STUDY COMMITTEE”

PURPOSE & MISSION:

The purpose and mission of the Public Safety Dispatch Services Study Committee (“Committee”) shall be to review and compare different public safety dispatch models and make recommendations to the Town Council whether to continue the current separate police and fire dispatch services or recommend a new model.

REPRESENTATION:

The Committee shall consist of the following members:

Londonderry Fire Chief or his designee
Londonderry Police Chief or his designee
Town Councilor, appointed by the Town Council
Budget Committee member, appointed by the Budget Committee
Three (3) members of the public, appointed by the Town Council

The Town Manager shall serve as a non-voting ex-officio member. Committee appointments shall be made no later than the September 12, 2011 Town Council meeting.

The Committee shall determine its own rules and order of business, unless otherwise provided by law or Town Charter.

The Committee shall choose from its members a Chairperson, Vice Chairperson and Secretary.

DUTIES / RESPONSIBILITIES:

1. Hold meetings, in accordance with RSA Chapter 91-A
2. Provide periodic reports to the Town Council
3. Act as liaison to the Town Council and other Town Boards and committees on issues relating to the project.
4. Maintain a permanent project file that at a minimum, includes:
 - a. Committee minutes;
 - b. Project correspondence;
 - c. Other material as deemed necessary.
5. Study costs, efficiencies and public safety impacts of current dispatch structure with various models, including:
 - a. Combined dispatch service under the direction of the Police Department
 - b. Combined dispatch service under the direction of the Fire Department
 - c. Regional Fire Dispatch service under the direction of the Fire Department
 - d. Regional Police Dispatch service under the direction of the Police Department

- e. Partnering with other public safety agency to provide Fire Dispatch service
- f. Partnering with other public safety agency to provide Police Dispatch service
- 6. Engage consultants to assist, if necessary, with the requirement to obtain budget clearance from the Town Manager.
- 7. Submit a written report by November 1, 2011, outlining activities and events towards completion of the Committee's Mission.
- 8. Submit a final report with recommendations by December 29, 2011.

RESOLUTION #2011-13

Relative to the establishment of a
DOG PARK STUDY COMMITTEE

First Reading: 8/15/11
Adopted: 8/15/11

WHEREAS the Londonderry Town Council has received a request to establish a dog park in Londonderry; and

WHEREAS the Council believes that input from a Committee will assist to determine the feasibility to establish a dog park;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Dog Park Study Committee shall undertake the responsibilities as set forth in the "Committee Charge", a copy which is hereto attached.

Sean O'Keefe, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
8/15/11

LONDONDERRY
“DOG PARK STUDY COMMITTEE”

PURPOSE & MISSION:

The purpose and mission of the Dog Park Study Committee (“Committee”) shall be to investigate the feasibility of locating, financing and constructing a dog park in Londonderry, and make recommendations to the Town Council.

REPRESENTATION:

The Committee shall consist of the following members:

Town Councilor, appointed by the Town Council
Budget Committee member, appointed by the Budget Committee
Five (5) members of the public, appointed by the Town Council

The Health Officer shall serve as a non-voting ex-officio member. Committee appointments shall be made no later than the September 12, 2011 Town Council meeting.

The Committee shall determine its own rules and order of business, unless otherwise provided by law or Town Charter.

The Committee shall choose from its members a Chairperson, Vice Chairperson and Secretary.

DUTIES / RESPONSIBILITIES:

9. Hold meetings, in accordance with RSA Chapter 91-A
10. Provide periodic reports to the Town Council
11. Act as liaison to the Town Council and other Town Boards and committees on issues relating to the project.
12. Maintain a permanent project file that at a minimum, includes:
 - a. Committee minutes;
 - b. Project correspondence;
 - c. Other material as deemed necessary.
13. Study various components, including:
 - a. Document need and demand for a Dog Park
 - b. Identify possible locations
 - c. Consider any public health and safety requirements or consequences
 - d. Quantify costs, including construction of facility and parking, and annual operating costs.
 - e. Identify funding sources for the project.
14. Submit a written report by November 1, 2011, outlining activities and events towards completion of the Committee’s Mission.
15. Submit a final report with recommendations by December 29, 2011.

RESOLUTION #2011-14

A Resolution Relative to
***The Transfer of an Easement to the
Rockingham County Conservation District***

First Reading: 08/15/11

Adopted: 08/15/11

WHEREAS the provisions of RSA 36:A-4 allow the Conservation Commission to receive gifts of money and property, and to purchase property; said property and gifts to be managed and controlled by the Commission; and

WHEREAS the Town purchased a conservation easement in 2002 on 20.88 acres at Sunnycrest Farm in cooperation with the Farm and Ranch Land Protection Program (FRPP); and

WHEREAS the Rockingham County Conservation District (RCCD) is better positioned to provide monitoring services to insure that the easement provisions are maintained; and

WHEREAS the Commission has voted to recommend the transfer of the easement to the RCCD and retain executory interests to insure that the goals of Londonderry's Open Space Program continue to be met;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Conservation Commission's recommendation to transfer the FRPP easement to the RCCD is hereby approved, and the Town Manager is authorized to execute the necessary documents to complete this transaction.

Sean O'Keefe - Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
08/15/11

ORDER #2011-15

An Order Relative to

EXPENDITURE OF MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 08/15/2011

Adopted: 08/15/2011

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 on the attached list,

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$112,808.08 for the aforementioned repairs and improvements.

Sean O'Keefe, Chairman
Town Council

Marguerite Seymour
Town Clerk

***A TRUE COPY ATTEST:
08/06/2011***

Location	Amount	Description
<u>Town Hall</u>		
	\$ -	
<u>Londonderry PD</u>		
Control Technologies	\$ 2,000.00	HVAC Management System - Deposit
Control Technologies	\$ 1,772.00	HVAC repair
Control Technologies	\$ 7,751.00	HVAC Management System - Final Payment
	\$ 11,523.00	
<u>DPW Garage</u>		
Continental Paving	\$ 44,291.30	Driveway reconstruction at the DPW Garage
<u>Old North Fire Station</u>		
EnviroSense	\$ 4,764.82	Town of Londonderry portion of the soil delineation at old north fire
Property Innovation	\$ 400.00	Line Striping of new parking lot
Stan's Paving	\$ 6,500.00	Paving of the foot print of the old fire station
	\$ 11,664.82	
<u>Recreation</u>		
	\$ -	
<u>Library</u>		
Control Technologies	\$ 245.16	No AC on unit 1, reset unit, worked fine
Control Technologies	\$ 407.66	No AC, found unit locked out on safety due to high pressure
Control Technologies	\$ 1,407.00	Replace Fan Motor, Blades and Rain Shield
Control Technologies	\$ 357.66	RTU-1
Control Technologies	\$ 445.16	RTU-1
Control Technologies	\$ 382.66	RTU 2 & 3
Control Technologies	\$ 207.66	Historical room HVAC
John Daniels	\$ 18,000.00	1st payment for replacing shingles on roof
John Daniels	\$ 12,301.08	2nd payment for replacing shingles on roof
John Daniels	\$ 11,574.92	Final payment for replacing shingles on roof
	\$ 45,328.96	
<u>Senior Center</u>		
	\$ -	
Order Total	\$ 112,808.08	

TOWN COUNCIL MEETING
July 11, 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

John Farrell recently read the History of Londonderry and suggested everyone read it. He said there are a lot of interesting things in it.

Board/Committee/Commission Updates

Southern NH Planning Commission – Dir. David Preece was not in attendance.

Anti-Litter Committee – Ben LaBrecque & Kerry Stanley as well as Paul Margolin were in attendance. P. Margolin reviewed the history of the sub-committee to the Solid Waste Committee. They summarized how litter affects our community and pointed out that littering is illegal, carrying a maximum fine in Londonderry of \$1.240 according to RSA 265:102. They explained it is a problem that can be controlled year round and it would allow “Beautify Londonderry” to concentrate on the spring clean up. They explained that they have contacted Londonderry Police Department (LPD) Chief Hart and Attorney Coyle; created a Facebook page and utilized media. They are seeking endorsement and support from Council. They are proposing to erect four Anti-Littering signs to be posted on Gilcreast Road between the entrances of McDonalds and Home Depot on the south and the Bob Early Bridge on the north. On Adams Road the signs will be erected on the west opposite from Shady Hill Nurseries and east just before Crossroads Plaza. They shared examples of the signs they propose to use and reviewed their future plans. K. Stanley stated the Committee is requesting support for the project and an endorsement letter from Council.

Councilor Freda talked about the concern he had with the consolidation of Londonderry Fire Department (LFD) Dispatch with Derry. In the past few months he said they received a lot of information. One question was the EMD training that Londonderry has versus Derry not having the same training. They have found out that is not exclusive to Londonderry; all calls go to E-911 in Concord where a trained EMD dispatcher stays on the line throughout the medical emergency. The fee for the fire box is not a mandatory fee; the businesses will either have to pay a private service or Derry. Municipal buildings will not be charged. He said the petition is important as well. The report for the Hemlock St fire came a week ago and they haven’t had

47 time to look at it or talk to the LFD to address concerns generated from it. Everything that could
48 be done that night to save those people that night was done. He said he is talking about going
49 forward, is it the right thing for the town, whatever possibilities are there. He said at this time he
50 has a lot more questions and is not going forward to make a decision until he has answers. He
51 said he wants the Council to defer action until all the issues have been looked at, perhaps have an
52 expert look at it. We need to weigh all the answers; it is premature at this time to make an
53 important decision. The Town Manager has done a good job with the numbers and they are
54 fairly clear. He asked Council to defer this decision for a few months so we can seek
55 professional support and have citizen input and then come back with a final report. Chairman
56 O'Keefe asked him if he is looking for a committee. Councilor Freda said he wants the Town
57 Manager to come back, publish the LFD report on Hemlock St. and have an expert give us an
58 overall view of what our dispatch needs are and explore what Londonderry will be like in a few
59 years with the anticipated development. John Farrell said 10 years ago the Council charged the
60 Public Safety Committee Taskforce to come up with ideas. He suggested appointing a taskforce.
61 Councilor Dolan said the community is speaking loudly on this issue, he supports the step-back
62 approach, we need to hear more from the community, and he said he supports the idea of
63 forming a taskforce. This is an emotional issue, it is about the character of the community and
64 its future, we need to take this slowly and be deliberate and thoughtful. Council Green said he
65 agrees, it is a very emotional issue, our first goal is to have government spend as little as
66 possible, be very careful with this decision due to the safety issue, there is a lot of both positive
67 and negative information that has been coming to us. The committee should not be comprised of
68 just police and fire; it should have more community involved. Councilor Dolan suggested also
69 charging the taskforce with the concept of Londonderry becoming a regional center. Councilor
70 O'Keefe explained he struggled with this decision, with the pros & cons; there are some serious
71 things we should look at. There are some serious questions that need to be looked at. He stated
72 that Derry does a good job; they are very professional and so are the Londonderry people. He
73 said he is a big proponent of petitions, the people have spoke they don't want to change it. Town
74 Manager Caron said he needs to let Derry know what the Council's position is. If the proposed
75 taskforce is formed any changes resulting from that process will be implemented in FY13.
76 Councilor Farrell said he is prepared to move on the Resolution he just needs direction.
77 Councilor Dolan said that we should make a recommendation to table the Resolution and direct
78 the Town Manager to draw up a Taskforce Resolution or an Order whichever is most appropriate
79 to study the issue. Councilor Farrell asked if the motion would be to table it indefinitely,
80 Councilor Dolan responded yes.

81
82 **Councilor Farrell made a motion to direct the Town Manager to create a Taskforce to**
83 **study the Fire & Medical Dispatch Services for the Town of Londonderry and to table**
84 **Resolution #2011-07 indefinitely.** Chairman O'Keefe asked the Town Manager if that includes
85 the independent study; Town Manager Caron responded he will present a proposed Charge
86 which the Council can review and amend at the 8/15 meeting. **Councilor Dolan seconded the**
87 **motion. Council's vote was 5-0-0.**

88
89 Kathy Wagner, 7 Fiddlers Ridge Rd., thanked the Councilors for listening to the community.
90 She said 80% of the community was concerned with this move; the savings did not outweigh the
91 loss of service to the community. She said she received a total of 1,268 signatures. Gene
92 Jastrem, 19 Horseshoe Ln. said there was talk about hiring a professional firm to review the Fire
93 Department. Councilor Farrell questioned if he is asking for an independent review of today's
94 current fire department and how it is staffed based on today's current operation and calls and

95 what we would need going into the future based on what it might be coming. G. Jastrem said
96 that is what he is asking for; if we are bringing a large development into Woodmont that is going
97 to be a lot more strain on all town services. Councilor Farrell clarified that Mr. Jastrem is asking
98 Council to ask the Town Manager to find out what it would involve and the cost to hire a firm to
99 review the department. Councilor Dolan said the “after action” report for the Hemlock fire was
100 just released in the last several days and they are all studying it. In that report there are specific
101 recommendations for changes, improvements for everything including equipment, staffing,
102 communications, protocols, and so forth. He suggested having a future meeting with a
103 significant amount of time scheduled to go through that report in detail with the LFD. He said a
104 lot of the things that G. Jastrem mentioned are in the report. After that meeting then turn to the
105 Town Manager and ask him to get a comparative analysis from other towns. G. Jastrem said we
106 are in some cases using systems that were designed in 1996, there are a lot of areas that need to
107 be looked at. Councilor Dolan agreed that sometimes different systems, different techniques
108 should be looked at. He said we need to ask when do we lose our “scalability” and when do we
109 need to start doing things differently, that is when we need professional help. Councilor Green
110 said we should be using this benchmark with towns our size. Kathy Wagner said a strategic plan
111 was done 2 years ago for all departments. It listed calls and benchmarked other towns and most
112 all the questions will be answered in there. They were looking towards the SAFR grant and that
113 is when they realized our staffing levels should have been at 12 instead of what they are now,
114 eventually they should be at 14. Councilor Freda asked G. Jastrem if that was the kind of study
115 he was looking for. He responded he would like to see a study that not only deals with
116 manpower but also the structure of the whole department. Councilor Green said one fact that
117 was clear in the recently received grant was that mutual aid communication needs to be looked
118 at. We are not only talking about the number of staff but how calls come in, communication,
119 mutual aid, etc. Mutual aid was discussed and Capt. Doug Cardwell and he said the automatic
120 aid dispatch program shares the resources of the team and proceeded to explain. Councilor
121 Green said consolidation in the business world works which is what we are trying to do here.
122 Laura Aronson, 38 Boyd Rd said we should take into consideration the influx of Woodmont.
123 She suggested approaching the Woodmont developers about bearing some of the costs. She also
124 suggested preparing for widespread disasters, and addresses it on a regional basis. Chairman
125 O’Keefe responded that the Town is presently involved in disaster planning. Lisa Whittemore,
126 40 Griffin Rd. said she is pleased that Council is not voting about going to Derry. She said she
127 wants to know why they are continuing with the idea of this merger when it is very clear that the
128 people are against the change. Chairman O’Keefe responded there were things brought to their
129 attention that they have questions about. We are studying the option of consolidating fire
130 dispatch with Derry, we are looking to use what we have and see if it makes sense to combine
131 the services. We want the taskforce to supply a detailed report on the costs, the gains or whether
132 or not we are going to do anything. Scott Miller, 3 Cedar Ln. commended the Council for
133 putting together a taskforce and requesting further studies.

134
135 **PUBLIC HEARING**

136
137 **Councilor Farrell made a motion to open the public hearing, second Councilor Dolan.**
138 **Council’s vote was 5-0-0.**
139
140
141

142 **Ordinance #2011-06 – Relative to an Amendment to the Zoning Ordinance Relating to**
143 **Rezoning Map 15, Lot 97, Clark and Jacks Bride Road - Rezoning Map 15, Lot 97, Clark**
144 **and Jacks Bride Road - Councilor Farrell made a motion to adopt, second Councilor**
145 **Dolan.** Todd Connors from Long Beach Development said that currently the surrounding
146 property is zoned I-1, 3 parcels between Jacks Bridge Road and Clark are still AR-1. The Master
147 Plan calls for them to be moved over to the industrial zone. He represents Heritage Truck &
148 Auto located on Rockingham Road. Heritage Truck would like to move there and want to
149 rezone the parcel to match the I-1 surrounding zone. Councilor Dolan asked if the abutters had
150 been contacted, T. Connors said they were contacted, nobody showed up at the Planning Board
151 meeting. They did talk to an abutter who is remaining in an AR-1 zone; they were in favor of it.
152 Community Development Director Andre Garron said this property was identified in the 2004
153 Master Plan to rezone it. A. Garron said the applicant wants to stay in Londonderry and the
154 Planning Board and staff recommended this change. Open for discussion. **Council's vote was**
155 **5-0-0.**

156
157 **Councilor Dolan made a motion to close the public hearing, second Councilor Farrell.**
158 **Council's vote was 5-0-0.**

159
160 **OLD BUSINESS**

161
162 **NEW BUSINESS**

163
164 **Confirmation of Senior Affairs Director -** Town Manager Caron explained the interview
165 process; the Town received 29 applications and interviewed 8 finalists. The Town Manager has
166 appointed Kimberly Bean subject to confirmation by the Council as required by the Charter. The
167 Councilors welcomed her and the consensus was to confirm the Town Manager's appointment.

168
169 **APPROVAL OF MINUTES**

170
171 **Councilor Farrell made a motion to approve the Public Meeting Minutes of 06/20/11,**
172 **second Councilor Green. Council's vote was 5-0-0.**

173
174 **OTHER BUSINESS**

175
176 **Liaison Reports -** Councilor Farrell attended the Manchester Airport Authority meeting where it
177 was reported that passenger traffic is half of what it was in 2006; they think they have hit rock
178 bottom and they think it will start going up. He attended an Eagle Scout ceremony Sunday. The
179 CIP has started and is on track.

180
181 Councilor Green said he also attended two Eagle Scout inductions.

182
183 Councilor Freda attended the Planning Board meeting and T. Thompson said they anticipate
184 something from Woodmont sometime in September as far as the formal application is concerned.

185
186 **Town Manager Report - Target Shooting in the Musquash.** Town Manager Caron stated that
187 Deb Lievens, Chair of the Conservation Commission and member Ben LaBrecque are here to
188 voice concerns about target shooting in the Musquash. Hunting is allowed during hunting
189 season, the town is under no obligation to provide a target shooting range on any town property.

190 D. Lievens said they had a request to see if target shooting was allowed and since it is not
191 prohibited they had a discussion about it. B. LaBrecque said he actually saw people out there
192 with pistols. They were shooting at a stereo and it was left there, as well as shattered clay
193 targets. He surmised they were shooting with a pistol or a collapsible rifle. Town Manager
194 Caron pointed out that there is a Rod & Game Club in Londonderry and there is an indoor target
195 range in Manchester. Our ordinance is clear allowing hunting. D. Lievens suggested just adding
196 additional language to the ordinance we now have. Councilor Freda questioned if Council
197 wanted archery target practice banned as well, the consensus was to have all target shooting
198 banned. Town Manager Caron suggested saying that the Town does not approve any kind of
199 area for practice shooting of archery, guns, rifles, etc. He said he will present it to Council as no
200 target shooting on all Town property.

201
202 Councilor Farrell said that Bob Sauer had told him they are having issues with 4 wheelers and
203 motorcycle use in Musquash. Bob Sauer, 4 Mountain Home Rd. said Mike Considine alerted
204 him to some problems with 4 wheelers and some off-road motorcycles. Some of the abutting
205 property owners do allow them on their land. He said he is not sure how they are going to
206 address the gates. They will discuss this issue and new signage at the next Trailways meeting.
207 Councilor Freda asked if any conservation easements have specific rules about hunting and
208 target shooting. Town Manager Caron responded some of our conservation easements talk to
209 hunting but he said he doesn't think we have any that allow target shooting. Town Manager
210 Caron stated we do have an ATV patrol within LPD and he said he will ask the Chief what the
211 patrol schedule is and bring these concerns to him.

212
213 **Board/Committee Appointments/Reappointments – None**
214
215 **Councilor Farrell made a motion to enter into a non-public session for a legal opinion**
216 **according to RSA 91-A:3 II (e) at 8: 35 PM. Aye John Farrell, Aye Tom Dolan, Aye Sean**
217 **O'Keefe, Aye Tom Freda, Aye Joe Green.**

218
219 The Council exited non-public session at 9:50 PM; no action was taken in non-public session.

220
221 **John Farrell motioned to adjourn at 9:50 PM, seconded by Joe Green, motion carried 5-0.**

222
223
224

225	Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>07/11/11</u>
226			
227	Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>07/14/11</u>
228			
229	Approved;	<u>Town Council</u>	Date: <u>07/ /11</u>
230			