

**TOWN COUNCIL AGENDA**  
**January 7, 2019**  
**7:00 P.M.**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM.

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

- 1.) Audit Presentation of FY18 Audited Financial Statements  
**Melanson Heath & Company, Heath, Scott McIntire**

**C. PUBLIC HEARING**

- 1.) **Resolution #2019-01** – A Resolution Relative to the Service-Connected Total Disability Tax Credit Policy  
**Presented by Lisa Drabik**

**D. OLD BUSINESS**

- 1.) **FY20 Budget Workshop Discussion**

**E. NEW BUSINESS**

- 2.) **Order #2019-01** – Expenditure of Maintenance Trust Fund for Various Projects  
**Presented by Steve Cotton**
- 3.) **Ordinance #2019-01** – An Ordinance Relative to the Zoning Amendment for a Special Exception (**First Reading**)

**F. APPROVAL OF MINUTES**

Approval of December 17, 2018 Town Council Minutes

**G. APPOINTEMENTS/REAPPOINTMENTS**

- 1.) Interviews for year-end Board/Committee open spots.
  - a. Planning Board
  - b. Zoning Board
  - c. Recreation Commission
  - d. Housing and Redevelopment Authority

**H. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report
3. Assistant Town Manager Report

**I. ADJOURNMENT**

**J. MEETING SCHEDULE**

- A. Town Council Meeting – 01/21/19 Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 02/04/19 Moose Hill Council Chambers, 7:00PM
- C. Town Council Meeting – 02/18/19 Moose Hill Council Chambers, 7:00PM
- D. Town Council Meeting – 03/04/19 Moose Hill Council Chambers, 7:00PM

# RESOLUTION #2019-01

A Resolution Relative to the

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## ***SERVICE-CONNECTED TOTAL DISABILITY TAX CREDIT POLICY***

First Reading: 12/17/18  
Hearing/Second Reading: 01/07/19  
Adopted: 01/07/19

***WHEREAS*** by Resolution #2004-05 and as set forth in Title VI – Town Policy, Chapter XXII, the Town of Londonderry adopted the Service-Connected Total Disability Tax Credit Policy as codified in NH RSA 72:35, with such optional tax credit starting in 2004 at a rate of \$1,600.00, to be adjusted annually by \$200.00 up to a statutory maximum (as originally set by RSA 72:35) of \$2,000.00; and

***WHEREAS*** as of this date, the optional Service-Connected Total Disability Tax Credit offered in Londonderry stands at \$2,000.00 annually; and

***WHEREAS*** the State of New Hampshire recently amended NH RSA 72:35 to raise, effective January 1, 2019, the statutory maximum of the optional Tax Credit for Service-Connected Total Disability from \$2,000.00 to \$4,000.00; and

***WHEREAS*** the Town Council may, pursuant to RSA 72:35, 1-a, consider and act upon the question in accordance with its normal procedures for the passage of resolutions, ordinances and other legislation, and may elect to adopt an amount for the optional Tax Credit for Service-Connected Total Disability up to and including the new statutory maximum of \$4,000.00;

***NOW THEREFORE BE IT RESOLVED*** by the Town Council of the Town of Londonderry, that the provisions of ***Title VI - Town Policy, Chapter XXII – Service-Connected Total Disability Tax Credit Policy*** be amended to raise the optional Tax Credit for Service-Connected Total Disability to \$4,000.00/year which shall become effective January 1, 2019.

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John Farrell, Chairman  
Londonderry Town Council

A true copy attest: 01/07/19

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***Sharon Farrell - Town Clerk***

(TOWN SEAL)

**CHAPTER XXII - SERVICE CONNECTED  
TOTAL DISABILITY TAX CREDIT POLICY**

**SECTION I            PURPOSE**

A. To adopt the provisions of RSA 72:35- Optional Tax Credit for Service-Connected Total Disability.

**SECTION II            QUALIFICATIONS and DEFINITIONS**

A. Every resident of the State who was terminated from the armed forces because of a service-connected total disability or who has been honorably discharged or an officer honorably separated from the military service of the United States due to a service-connected total disability.

B. Any resident who has a total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-related injury.

C. The surviving spouse of any resident who suffered a service-connected total disability injury or death.

D. The term "residential real estate" shall mean the real estate which the person qualified for an exemption or a tax credit thereunder occupies as his principal place of abode together with any land or buildings appurtenant thereto and shall include manufactured housing if used for said purpose.

E. The term "surviving spouse" shall not include a surviving spouse that has remarried, but if the surviving spouse is later divorced, his or her status as the surviving spouse of a veteran is regained. If the surviving spouse remarries and the new husband or wife dies, he or she shall be deemed the widow or widower of the latest spouse and shall not revert to the status of a surviving spouse of a veteran.

**SECTION III            BENEFITS**

A. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto, and shall be in an amount of \$4,000.00.

B. The tax credits under this Policy may be applied only to property which is occupied as the principal place of abode by the disabled person, veteran, or the surviving spouse. The tax credits may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

**SECTION IV            APPLICATION FOR BENEFITS**

A. Any person applying for the tax credits under this Policy shall furnish to the Assessor

*TOWN OF LONDONDERRY*

*Title VI - Town Policy*

**CHAPTER XXI - VETERANS' TAX CREDIT POLICY**

Adopted: \_\_\_\_\_

certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection.

B. The Assessor shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence.

C. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.

D. Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.

E. Any tax credit shall be divided evenly among the number of tax payments required annually by the Town so that a portion of the tax credit shall apply to each tax payment to be made.

~~End of Policy~~

# **ORDER #2019-01**

An Order Relative to

## ***EXPENDITURE OF MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS***

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Reading: 01/07/2019

Adopted: 01/07/2019

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

***WHEREAS*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$1,055.00 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

***NOW THEREFORE BE IT ORDERED*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$1,055.00, from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

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John Farrell, Chairman  
Town Council

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Sharon Farrell  
Town Clerk

***A TRUE COPY ATTEST:***  
*01/07/2019*

Expendable Maintenance Trust TC Order Request  
for Town Council Meeting "1/7/19"

Description	Vendor	Amount
<u>Winter Maintenance - Town Hall, LPD, Library &amp; Access Center</u> Plowing, salting, and shoveling on 12/16, 12/17, and 12/18/18 at our various town buildings. This EMTF request is for the materials and labor for winter maintenance for the parking lots, walkways, steps, fire lanes at our buildings.	Shady Hill - Invoice # 8605	\$ 540.00
		\$ 540.00
<u>Winter Maintenance - Senior Center</u> Plowing, salting, and shoveling on 12/17, 12/18, 12/28/18 & 1/01/19 at our senior center. This EMTF request is for the materials and labor for winter maintenance for the parking lots, walkways, steps, fire lanes at our senior center.	Green Magic - Invoice #3124	\$ 515.00
		\$ 515.00
<i>Total Town Council EMTF Order</i>		\$ 1,055.00

**TOWN OF LONDONDERRY  
TOWN COUNCIL**

The Londonderry Town Council will conduct a first reading on Monday January 7, 2019 at 7:00 p.m. in the Moose Hill Council Chambers, 268B Mammoth Road, Londonderry, NH to consider the following:

Proposed Zoning Ordinance Amendments – Recommended by the Planning Board:

The Town of Londonderry seeks to adopt an amendment to the Londonderry Zoning Ordinance to include special exception criteria relative to specific uses as outlined in the Table of Uses

(The full text of the proposed ordinance can be found on the Town's web page, and is available for viewing in the Town Clerk's Office, Planning and Economic Development Department, and Leach Library during regular business hours.)

**TOWN OF LONDONDERRY  
TOWN COUNCIL**

The Londonderry Town Council will conduct a second reading and public hearing on Monday, January 21, 2019 at 7:00 p.m. in the Moose Hill Council Chambers, 268B Mammoth Road, Londonderry, NH to consider the following:

Proposed Zoning Ordinance Amendments – Recommended by the Planning Board:

The Town of Londonderry seeks to adopt an amendment to the Londonderry Zoning Ordinance to include special exception criteria relative to specific uses as outlined in the Table of Uses

(The full text of the proposed ordinance can be found on the Town's web page, and is available for viewing in the Town Clerk's Office, Planning and Economic Development Department, and Leach Library during regular business hours.)



Introduced: 1/7/19  
Public Hearing: 1/21/19  
Adopted: xx/xx/19

**ORDINANCE 2019-01**  
***AN AMENDMENT TO THE SPECIAL EXCEPTION***  
***CRITERIA OF THE ZONING ORDINANCE***

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***WHEREAS*** it was determined that the Zoning Ordinance has no established criteria for the granting of a special exception to allow specific uses despite the reference to such within the Ordinance; and

***WHEREAS*** Town Staff have prepared language consistent with the intent of the Ordinance; and

***WHEREAS*** the Planning Board has voted to recommend Town Council adoption of the proposed amendments;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that Section 8.1.5 of the Zoning Ordinance shall be amended as posted.

To become effective upon passage of this Ordinance.

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John Farrell, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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*Sherry Farrell - Town Clerk*  
x/xx/xx

***Town Seal***

**Special Exceptions:**

As outlined in the Table of Uses and throughout this ordinance, specific uses may be allowed in certain zoning districts through the process of obtaining a special exception from the Zoning Board of Adjustment. The Zoning Board of Adjustment may grant such special exceptions in appropriate cases and subject to appropriate conditions so as to be in harmony with the general purpose and intent of the Zoning Ordinance where the applicant(s) can demonstrate to the satisfaction of the Zoning Board of Adjustment the following:

- A. Such use will not be detrimental to the health or safety of residents;
- B. Such use will not create undue traffic congestion or a traffic safety hazard in the vicinity of the proposed development;
- C. Such use will not be incompatible with surrounding neighborhood;
- E. Such use will not be a detriment to property values in the vicinity of the proposed development with consideration given to the location or scale of buildings, structures, parking areas, or other access ways;
- F. No nuisance will be created by such use by way of emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or the unsightly outdoor storage of equipment, vehicles, or other materials;
- G. Such use will not create a hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials;
- H. Such use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site which would result in the loss of significant habitat or flood control protection;
- I. Adequate and appropriate facilities will be provided for the intended use; and
- J. All necessary state and federal permits will be obtained.

The Board of Adjustment may attach such conditions as it deems necessary to the granting of the special exception if the Board determines that such conditions are necessary to maintain the essential character of the neighborhood and/or to protect the health, safety and welfare of the Town and its residents. Such conditions may include but are not limited to the site plan review and approval from the Planning Board which includes review and comment from the Conservation Commission and Heritage Commission.

A special exception must be acted upon within two years or such special exception will be deemed to have expired and/or be lost by abandonment.