

TOWN COUNCIL MEETING
March 15, 2010

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

PRESENT: Town Council: Chairman Paul DiMarco; Vice Chairperson, Sean O’Keefe; Councilors: Mike Brown; Tom Dolan; John Farrell; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.

CALL TO ORDER

Chairman DiMarco opened the meeting at 7:04 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

Former Chairman Mike Brown wished newly elected Chairman Paul DiMarco and newly elected Vice Chairman Sean O’Keefe “good luck” in their new positions. Recently elected Councilor John Farrell said the residences on Brookfield are flooded again. Chairman DiMarco cautioned viewers about the rising waters and downed trees. He proceeded to thank the Council for giving him the opportunity to serve as Chairman of Council. Reed Clark congratulated the new board members.

OLD BUSINESS

Economic Development Update – Andre Garron - A. Garron reviewed his “Summary of Action Items”. Item “C” for the Small Area Master Plan was completed 9/9/09. Item “D” for adopting the Flexible Industrial District Regulations for Pettingill Road area is complete; the project name was changed to the Gateway District and Planned Unit Development which was approved on 4/4/10. Item “E”, update the Economic Development website, was launched on 3/9/10; the site is up and running. Chairman DiMarco asked if the staff has the ability to update the site, Andre responded that the consultant, Silvertch has trained out staff. Councilor O’Keefe asked if Silvertch will transfer ownership of the site to the Town. Andre said right now the site is registered to Silvertch; he will check into the Town taking over the ownership. Councilor Dolan asked if there will be website statistics on what type of activity and how many visitors go to the site. A. Garron responded yes they do have a monthly statistics to review. Councilor Brown asked if we can we get information on who is visiting and where they are navigating to? Can we actively reach out to the people who visit the site? A. Garron said that was brought up several times, whatever the e-mail name is can define where it is coming from it depends on how refined they want to make it. Councilor Farrell said there still are a lot of questions about site content, we are not done yet; this is more of a Phase I. A. Garron said Item “F” which was for updating the website with a site selector property search tool was completed some time ago and was integrated into the site. Item “G” actively markets Londonderry’s development areas and was incorporated into the web site. Item “H” is the Page Rd/Rt 28 intersection and we were successful in getting a grant from NHDOT and received \$1.05M. The bids came in lower than anticipated with the lowest construction bid was \$1.1M. The project is scheduled to start the end of March, first part of April. Councilor Farrell questioned when the traffic studies were done

for that area was Jack's Bridge Rd. part of that study with the idea that Jack's Bridge might connect with Rte. 28 on both ends. A. Garron responded no, it was just based on development occurring on Jack's Bridge and some of that development making its way out from Page Rd. to Rte 28 in the vicinity of where the improvements are taking place, it will not go through Pettingill area. It will come out at either of two areas; Symmes Dr. near Harvey Industries or off the other side of Paige Rd. Item "I" is about investing in Mass. Transit which is identified as a future goal. "J" is to fund the upgrade of Pettingill Rd. to connect into the Airport Access Rd. We were unsuccessful with our first appropriation request to Sen. Shaheen. Staff continues to work on that. He said they are also working with the Rockingham Economic Development Corp. for funding for the sewer portion of the Pettengill Rd. project. They are hoping to get an answer by this fall. Item "K" was to work toward creating affordable housing. On 2/1/10 Council adopted the inclusionary zoning ordinance to be consistent with state mandated housing. Item "L" is no longer a relevant project. "M" is the MRI study which was conducted in 08. The Planning Board recommended changes and staff is moving forward with it. "N" is for engaging the services of the Town's Impact Fee Consultant. He said they are looking to establish new impact fees for the Pettingill area, they will continue to work on that program. Item "O" was combined with MRI to get the changes to the development review process and this was done. Item "P" which is for a development plan for Exit 4-A there is no new information, Derry and Londonderry re-engaged the services of CLD last November

He announced that the Southern New Hampshire Planning Commission is working on updating the housing needs assessment. A sub-committee is being formed to represent Londonderry. Councilor O'Keefe asked if they are using census material to base the information on. A. Garron responded, yes, however the 2010 Census Data will not be available for this update. He spoke about the DOT involvement with the prospect of moving the toll booths on Rt. 3. Manchester/Boston Airport is not pleased with the proposal due to impeding access into the airport area. This action will not help our marketing efforts to attract business. The Planning Board is sending a letter to the DOT to not support moving the toll booths and requested the Council send a letter also. The Council's consensus was to send a letter and have it signed at the next meeting. A. Garron announced that the Elliott Phase III which will complete the 88,000 square foot project is moving forward in the spring. An additional 30,000 square feet will start in the fall. The Planning Board has seen the revised view of the building. Gulf South Medical Supply is putting a 25,000 addition to their site on No. Wentworth Ave. Councilor Farrell suggested having Andre go into the community and visiting these companies and having them meet with Council so we can get to know them. Councilor Dolan said it is a good idea, do it at least once a month. He said it is a good idea to talk to the companies that decided to go to other communities so we can see where we failed. The consensus was it was a good idea. Councilor Brown said one thing Mr. Donovan from the Elliot Hospital said at the website launch was that he would be a "reference" for us. He asked if we had a listing of other companies that want to be references. If they are willing to talk to prospective companies it would be a good idea. Councilor Dolan said a testimonial would be a good idea and add it to our new website. Councilor Farrell suggested inviting industrial realtors to be in the audience to listen to the CEO's. A. Garron asked if someone is unwilling to come in can they put something in writing instead. He said that things have changed and his dealings have taking on a new context, businesses are looking for more than just a site. A revolving loan fund is a popular request it might be a tool that is advantageous in the future. Councilor Dolan stated Londonderry has to be able to compete with other communities for business development. A. Garron said by working with other communities we make ourselves more visible. Consensus was to make an effort by Councilors to get more involved.

NEW BUSINESS

Order #2010-07 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects - Councilor O’Keefe made a motion to adopt, second Councilor Brown. Open for discussion. Chairman DiMarco asked the Town Manager what the repairs were to the HVAC system, he responded it was the circuit board. **Council’s vote was 5-0-0.**

Resolution #2010 – 07 – Relative to the Grant of Executory Interest, Conservation Easement and Grant Agreement with NHDES - Councilor Dolan made a motion to adopt, second Councilor Farrell. Mike Speltz, a member of the Conservation Commission congratulated the newer Board members. He said the Department of Environmental Services has provided funds from its Merrimack River Watershed Aquatic Resource Mitigation Fund for the natural resource restoration of the Nesenkeag Headwater. Money is paid into the fund by developments that impact wetlands. When DES accumulates sufficient funds they re-invest the funds to restore wetland through a grant process. Londonderry might be the first to obtain this grant. The wetland is located east of High Range, north of Adams Rd. and consists of 29 acres. The purpose of the grant is to study wetlands and make recommendations on a program of restoration. He said there are a lot of invasive plant species that have migrated into that wetland. These wetlands supply water to the West Rd athletic fields. DES wants to make sure the investment is protected. M. Speltz said it is wetland that is undevelopable and was deserted by the owner. There is no cost to the town it is funded by the state of NH from mitigation funds. The Conservation Commission monitors the property; they might have to put up a sign indicating DES’ involvement in the area. This will keep this wetland functioning for a long time. Councilor O’Keefe asked how much is the grant for; M. Speltz said \$20K. Councilor O’Keefe asked if DES will work with the Conservation Commission on the area. M. Speltz said they will work with Gove Environmental to do the work; they will be paid from the grant funds. They will assess the wetland, there is a whole series of evaluations they must perform. Chairman DiMarco said the major issue is invasive species, he asked if the area could be used for recreational purposes, M. Speltz responded yes. He asked if there was a fire access road to the area, M. Speltz responded there are no structures on property it is just wetlands. John Michaels, 11 Nutfield questioned the phrase “By acceptance of the Award the Town of Londonderry agrees to maintain the Protected Property in its open and undeveloped state and to protect all threatened, rare or endangered species or natural communities found on the Protected Property”. He asked if this acceptance obligates the town to spend money in the future. M. Speltz responded no, no threatened or endangered species have been identified on the property yet. When we agree to maintain, it has to remain in its present state it will not require us to take over the property it is a restriction. Chairman DiMarco asked are we obligated to pay to restore the land to its natural state, M. Speltz responded no. John Michaels said the agreement says we have to protect endangered species. M. Speltz said to protect means not allowing an inappropriate use in an area where an endangered species might be found. M. Speltz said we police ourselves on this we are the ones obligated to monitor the sight. **Council’s vote was 5-0-0.**

Resolution #2010-08 – Relative to Consent to Assigning Interests in Land Easements (Granite Ridge Energy) Councilor O’Keefe made a motion to adopt, second Councilor Farrell. Town Manager Caron stated that the Town is satisfied that the owner has the technical and financial capabilities to assume all responsibilities to the terms and conditions of the easements. **Council’s vote was 5-0-0.**

Resolution #2010-09 – Relative to the Release of Drainage Easement Rights to the State of NH (Map 13, Lot 71-29) – Councilor Farrell made a motion to adopt, second Councilor O’Keefe. Chairman DiMarco stated that this area is located adjacent to Season’s Lane along Interstate 93. Councilor O’Keefe asked the Town Manager what the taxes are that are owed on the property. Town Manager Caron explained the owner is behind on his taxes, part of the land is being taken by eminent domain by the state for the widening of 93. To eliminate any issues of allocation of property taxes the property owner has agreed that the BTLA will send whatever is owned to the town for taxes due and remit the balance to the property owner. Chairman DiMarco asked Town Manager Caron if the amount of eminent domain exceeded the amount owed on taxes, he responded in the affirmative. **Council’s vote was 5-0-0.**

Resolution #2010-10 – Relative to a Marriage resolution to State Elected Officials Councilor O’Keefe made a motion to adopt, second Councilor Farrell. Chairman DiMarco questioned if the Resolution is directed to our Londonderry representatives, Town Manager Caron responded yes. Councilor Dolan said since this was voted on at the polls we don’t have an option to vote on it, we just have an obligation to send the letter whether or not we agree on it. Town Manager Caron said it is presented in the form of a Resolution to just keep a historical record that Council followed through and sent the letter. **Council’s vote was 5-0-0.**

Chairman DiMarco talked about the Council’s goals and solicited Council input regarding the next steps to proceed. Chairman Dolan said one goal should be the continuation of involvement of economic development, have a formal mode of engagement; see if UNH can help like they did last time. Over the years we have developed Ordinances which have added to the process, rarely have we taken anything out of the process. Maybe we should think about less government and have better government. The goal is too look at local laws and see if we can decrease them. It will take some of the pressure off our workforce that has been asked over the years to do more with less. If we took some of those tasks we could do less with less so we can shrink the budget. Councilor O’Keefe said we need to look at ways to reduce our spending, cut back on some budgets; he said he likes the idea of being more involved in economic development. He mentioned IT and the Cable Studio and consolidating services with the school. Councilor Farrell suggested letting the Planning Board deal with re-naming streets, trust the people who have volunteered for years, there is no need for them to come every year to introduce themselves to us. Start now with a zero based budget and find \$500K, get rid of tactical things. Free up our time to do the two others. Councilor Brown asked Chairman DiMarco if he wanted a formal way to submit ideas and at the next meeting come to a consensus of what we should go forward with. Chairman DiMarco said that was his idea. Councilor Brown said he will put some thought to it and submit proposals for a few goals. Councilor O’Keefe asked Councilor Dolan if he sees a lot of opportunity to get rid of old Ordinances that are not needed. Councilor Dolan responded yes, if we can clear away some of the “clutter” we will allow ourselves to devote more time to important things. We are always giving the Town Manager more and more to do, we should be giving him less and less. Councilor Brown asked if it can be formalized as a direction for the Town Manager to review our existing Ordinances and come back to us with suggestions. Councilor Dolan most of this will come from the Town Manager and his staff. The Councilors agreed to send their ideas to Chairman DiMarco for the 4/5/10 meeting

APPROVAL OF MINUTES

Minutes of Councils Public Meetings of 03/01/10. **Councilor O’Keefe made a motion to adopt, second Councilor Brown.** Councilor Dolan said he will vote to accept the minutes, he is not going to abstain. He said he has no problem accepting minutes that he was not present at. He will usually reserve his abstentions where he has a conflict of interest, he has no conflict of interest with approving these minutes. **Council’s vote was 5-0-0.**

OTHER BUSINESS

Liaison Reports – Councilor DiMarco said he attended the Planning Board meeting this past week. The letter regarding toll booths was brought up by A. Garron that night.

Councilor O’Keefe and Brown did not have any liaison reports.

Town Manager Reports – The Town Clerk has scheduled the first meeting of the Charter Commission on 3/29. According to state statute they must elect officers and have a public hearing within 14 days of that meeting. Both meetings will be televised. The Town is finalizing 2 labor agreements that were approved at Town Meeting. They have been reviewed by the negotiators and will be sent to the employee representatives for their review and signature. Due to the fact that the Cemetery expansion was approved at town meeting, a meeting with the Administrative Support Coordinator, Public Works and the engineer will be held shortly to prepare the project for bidding. The goal is to complete the project this summer because the current bidding environment for site work can save the Town some money. In the coming weeks staff will be discussing adjustments to the budget from Town Meeting to reduce the budget by \$142K. The environmental assessment is continuing for the fire station site, we are on track for a 5/1/10 groundbreaking. At the last Council meeting then Chairman Mike Brown had requested legal input regarding whether the receiving of junk vehicles at Murray’s is part of operations, and he has confirmed that it is. The code officer will send a letter to Mr. Dudek that will be part of the record when the issue is reviewed this June. There has been flooding issues at Brookview Dr. & Auburn Rd.. Councilor O’Keefe said PSNH did a tremendous job getting things done at the last wind storm. Town Manager Caron responded their communication and information response was much improved. Chairman DiMarco clarified that the Town Manager will come back with a plan to address the reduction in the budget made at town meeting which will be in effect 7/1/10.

Board/Committee Appointments/Reappointments -

Councilor O’Keefe talked about the opening on the Budget Committee due to Tom Dolan’s resignation and appointment to Council. Councilor O’Keefe suggested appointing Dan Lekas because he came in third place on the ballot. Councilor Brown said in the past we have advertised and selected people who where interested in the position. Town Manager Caron stated that he received an e-mail from Deb Nowicki expressing an interest in returning to the Budget Committee; her term expired and she chose to run for the Town Clerk/Tax Collector position. Councilor O’Keefe said Dan was third on the ballot and had over 1,000 votes, he was more comfortable with him. Councilor Farrell said he was fine with appointing Dan. Councilor Brown said he was fine either way if the consensus was to appoint Dan then he was fine with that. Councilor Farrell said he was disappointed we didn’t have more females running for these openings, he is comfortable with either Deb or Dan. Chairman DiMarco said he looks at this two

ways; Deb did a great job serving on the Budget Committee but Dan did run and received a significant amount of votes. The community has spoken that they would like to see him on the Budget Committee, and he would concur with the Council. **Councilor Farrell made a motion to appoint Daniel Lekas to the Budget Committee, term to expire 3/11, second Councilor O’Keefe. Vote 5-0-0 to appoint Dan Lekas to the Budget Committee.**

Town Manager Caron said John Farrell’s position on the Planning Board needs to be filled. Dana Coons has expressed an interest in the position. Does Council want to advertise the position, bring Dana in for an interview or appoint Dana. Councilor Dolan said he would feel more comfortable with getting a recommendation from the Planning Board due to the fact that this is not an elected position. Margo Lapietro said she received a recommendation from the Chairman of the Planning Board. Chairman Farrell said he would submit his letter of resignation next week. He said two other people approached him at town meeting asking what the process was to apply for the Planning Board position. Councilor Brown said he likes the idea of advertising land use board openings for a short period of time and interviewing interested citizens. Councilor O’Keefe agreed to that. Councilor Farrell agreed and said to the best of his knowledge they have always advertised land use board openings. He is suggesting that if someone has already served 5 or 10 years it is not a significant reason to bring them back to be interviewed again. We should ask the chairman to be present at the interview and give their input. Chairman DiMarco said the land use boards have a lot of power, we owe it to the community to talk to the people interested in the position. The consensus was to advertise openings on the Planning Board and the ZBA, and interview Dana and anybody else who is interested. The interviews will be schedule for 4/5. Councilor Dolan suggested contacting Deb Nowicki and seeing if she would be interested in any of the other board vacancies

The Council reviewed the Liaison responsibilities and concurred with assignments (attached to these minutes).

Acceptance of the resignation of Tom Dolan from the Budget Committee, term to expire 03/11. Councilor Brown made a motion to accept, second Councilor O’Keefe. Council’s vote was 5-0-0.

ADJOURNMENT

Councilor John Farrell made a motion to adjourn at 9:04 PM, second, Councilor Dolan. Council’s vote was 5-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>03/15/10</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>03/22/10</u>
Approved;	<u>Town Council</u>	Date: <u>04/05/10</u>

Londonderry Town Council

Liaison Assignments

2010 - 2011

Rev. 03/115/09

Mtg Rating	Board/Committee	Meeting Schedule	Liaison 2010-2011	Alternate 2010-2011	Chairman	Chairman's E-Mail Address
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A	Capital Improvement Plan	Monthly - 2nd Thurs	John Farrell		TBD Meet in April	-
C	Recreation Commission	Monthly - 2 nd Mon	Sean O'Keefe		Bill Manning	Billm60767@aol.com
A	Economic Development Task Force	TBD				
B	Arts Council	Monthly - 2nd Wed	Mike Brown		TBD Meet in April	-
B	Leach Library Trustees	Monthly - 1 st Wed	Paul DiMarco		Richard Matckie	Matckie@lycos.com
C	International Exchange	As Needed	Tom Dolan		Julie A. Liese	lieserugg@earthlink.net
B	Elder Affairs Comte	Monthly - 3rd Tues	John Farrell		Stacey Thrall	sthrall@comcast.net
C	LHRA	Monthly - 1 st Mon	N/A		Paul Donehue	pdonahue@paulcharles.com
B	Budget Committee	Monthly - 4th Thurs	Tom Dolan		Mark Oswald	bctf79@aol.com
B	Old Home Day	Monthly - 3rd Thurs	Paul DiMarco		Kathy Wagner	kathy@imageability.com

C	Heritage Commission /Historic District Comm.	Bi-Monthly - 4th Thurs.	Sean O'Keefe		Art Rugg	Arthur_rugg@vrtx.com
A	Planning Board	Monthly - 1 st & 2 nd Wed	John Farrell	Sean O'Keefe	Art Rugg	Arthur_rugg@vrtx.com
A	Conservation Comm.	Monthly - 2 nd & 4th Tues	Tom Dolan		Deb Lievens	DLievens@ix.netcom.com
A	Manch. Airport Auth.	Monthly - 3 rd Thurs	Paul DiMarco		Gary O'Neil	goneil@oneilgriffinbodi.com
B	Traffic Safety	Quarterly - 1 st Mon	Sean O'Keefe		Robert Ramsey	Rramsay@prodigy.net
B	ZBA	Monthly - 3rd Wed.	Mike Brown		Vickie Keenan	Vicki_keenan@equityoffice.com
C	Solid Waste Adv.	Monthly - 2 nd Thurs	Mike Brown		Paul Margolin	paul.j.margolin@baesystems.com
A	SNHHazmat	Quarterly	Paul DiMarco			
B	School Board	Monthly - 1st & 3rd Tues.	John Farrell		Ron Campo	Ronald_Campo@fpl.com
A	Town Housing Task Force	TBD	N/A			
A	Merr Valley Water District	Monthly - 3 rd Thurs	Tom Dolan			Tom Dolan has continued representing Londonderry
A	Town Center Task Force	TBD				

Defunct Committees Removed from list: Economic Development, Website Development, LFD Bld. Comm, .Exit 4A, Envr. Baseline, LHRA,

Leadership Lon. Cable Advisory, Sewer Advisory, Town Housing Taskforce, Historic Properties Task Forc.

A = Mandatory Attendance B = Optional Attendance C = On Call