

TOWN COUNCIL AGENDA
January 10, 2022
Moose Hill Council Chambers
6:30 P.M.

- A. **CALL TO ORDER**

- B. **TOWN COUNCIL NON-PUBLIC SESSION RSA 91-A:3, II(a)**

- C. **PUBLIC COMMENT**

- D. **PUBLIC HEARING**
 - 1.) **Ordinance #2021-03 – An Ordinance Relative to Creating the Londonderry Commercial and Industrial Property Tax Incentive Program (CONTINUED FROM 12/6 and 12/20)**
Presented by Kevin Smith and Mike Malaguti

- E. **NEW BUSINESS**
 - 1.) **Town Treasurer Discussion**

 - 2.) **Council Permission to Submit SAFER 2021 for Additional Grant Funded Positions**
Chief Darren O'Brien

- F. **OLD BUSINESS**
 - 1.) **Budget Workshop**

- G. **APPROVAL OF MINUTES**
 - Approval of December 20, 2021 Town Council Minutes**

- H. **APPOINTMENTS/REAPPOINTMENTS**
 - 1.) **Reappointment of Suzanne Brunelle on the ZBA**

- I. **OTHER BUSINESS**
 - 1. **Liaison Reports**
 - 2. **Town Manager Report**
Rebate Program Update
 - 3. **Assistant Town Manager Report**

- J. **ADJOURNMENT**

K. MEETING SCHEDULE

- A. Town Council Meeting & Budget Public Hearing – **01/13/2022**
Moose Hill Council Chambers, 7:00 PM

First Reading: 11/22/2021
Second Reading/Public Hearing: 12/06/2021
Continued Public Hearing: 12/20/2021
Adopted: 01/10/2022

ORDINANCE #2021-03
***CREATING THE LONDONDERRY COMMERCIAL AND INDUSTRIAL
PROPERTY TAX INCENTIVE PROGRAM***

WHEREAS RSA 72:81 permits a municipality to adopt a new construction property tax exemption (the “Incentive”) for commercial or industrial uses, or both for the purpose of providing incentives to businesses to build, rebuild, modernize, or enlarge within the municipality; and

WHEREAS The Town Council believes it is in the public benefit to enhance the Town of Londonderry's commercial/ industrial property tax base with respect to economic activity, cultural and historic character, and sense of community that contribute to economic and social vitality; and

WHEREAS It is further declared to be a public benefit to encourage the rehabilitation of underutilized commercial/industrial structures in Londonderry as a means of encouraging growth of economic, residential, and municipal uses in accordance with RSA 9-B; and

WHEREAS Short-term property assessment tax relief and a related covenant to protect the public benefit as provided under this article are considered to provide a demonstrated public benefit if the same encourages new construction, substantial rehabilitation and use of qualifying structures, or the replacement of a qualifying structure; and

WHEREAS The Town Council determines that it is in the public benefit as set forth above to confine the Incentive to construction taking place within the area shown as “WC-1” and “WC-2” in § 2.2.2 of the Woodmont Commons PUD Master Plan (September, 2013); and

WHEREAS Pursuant to RSA 72:82, II, this Ordinance shall remain in effect until the earlier of: (A) its rescission by further action of the Town Council; or (B) the date which is five years after its adoption, provided, however, that for any application which has already been granted prior to rescission or expiration, as the case may be, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Londonderry Commercial and Industrial Property Tax Incentive Program is hereby adopted as set forth in Exhibit A attached hereto.

Sharon Farrell, Town Clerk

John Farrell, Chairman
Town Council

A TRUE COPY ATTEST: 01/10/2022

(TOWN SEAL)

**LONDONDERRY COMMERCIAL AND INDUSTRIAL
PROPERTY TAX INCENTIVE PROGRAM**

§ 1. Adoption of program.

1.1 Pursuant to the authority granted by RSA 72:27-a, RSA 72:81, and RSA 72:82, and such other relevant authority bestowed upon it as a political subdivision of the State of New Hampshire, the Town of Londonderry ("Londonderry" or the "Town") through its legislative body, the Londonderry Town Council ("Town Council"), adopts the Londonderry Commercial and Industrial Property Tax Exemption Program for application within the geographical limits set forth below.

§ 2. Short title.

2.1 Londonderry Commercial and Industrial Property Tax Incentive Program (the "Program").

§ 3. Enabling statutes.

3.1 NH RSAs 72:27-a and 72:80-83.

§ 4. Purpose; declaration of public benefit.

4.1 It is declared to be beneficial to the public interest to enhance Londonderry's commercial and industrial property tax base to attract, promote and stimulate economic activity.

4.2 It is further declared to be beneficial to the public interest to encourage the rehabilitation of underperforming or underutilized commercial and industrial facilities in Londonderry as a means of encouraging smart growth of economic, residential, and municipal uses in accordance with RSA 9-B.

4.3 Short-term property tax relief and a related covenant to further public interest as described in this ordinance provide a demonstrated public benefit because the property tax relief and related covenant encourage new construction and use of Qualifying Structures, and replacement, substantial rehabilitation and use of Qualifying Structures. A Qualifying Structure is defined in Section 6.4 hereof.

4.4 The Town Council determines that it is in the public interest as set forth above to commence the Program within the area shown as "WC-1" and "WC-2" on the Land Use Plan included at Section 2.2.2 of the Woodmont Commons Planned Unit Development Master Plan (September 2013).

§ 5. Tax relief authority.

5.1 Londonderry, through the Town Council, hereby adopts RSA 72:80-83 in the manner specified under RSA 72:27-a and RSA 72:82. In addition, the Town may modify the incentive

program in the same manner as hereby adopted to best suit the needs of the Town and its constituents.

§ 6. Definitions.

6.1 Assessed Value: The Assessed Value of the improvements and structures as of April 1 of the tax year to which the exemption pertains, pursuant to RSA 72:83.

6.2 Commercial Uses: All retail, wholesale, and service uses, including but not limited to: automobile and similar vehicle sales; automobile repair facility/garage; automobile service station; bank; brewery; brew pub; commercial performing and fine arts schools and studios; commercial service establishment; conference center; contractor; contractor's yard; funeral establishment; golf course/country club; grocery/convenience store; hospital; hotel; commercial service establishment; inn (motel); medical office; movie and recording studio; multiunit commercial establishment; nursery; office, pharmacy, printing; professional office; radio broadcasting facility; repairman; restaurant, drive-in restaurant; retail sales establishment; riding school; television broadcasting; transportation center; travel agent; tourist home, and wholesale business.

6.3 Industrial Uses: All manufacturing, production, assembling, warehousing, or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials, including but not limited to: bottling facility; building material storage yard; crematorium; equipment upfit (repair); industrial establishment; light industrial establishment; industrial repair garage; industrial supply; laboratory (medical/dental); laboratory: research, experimental, testing; light industry; light manufacturing; microbrewery; product assembly; publishing; research and development facility; research lab; sand/gravel pit; self-storage; truck terminal; warehouse, and wood/metal craft.

6.4 Original Assessed Value: The value of the Qualifying Structure assessed at the time that the governing body approves the application for Tax Relief and the owner grants to the municipality the covenant to protect public benefit as required in this ordinance.

6.5 Qualifying Area: The area shown as "WC-1" and "WC-2" on the Land Use Plan included at Section 2.2.2 of the Woodmont Commons Planned Unit Development Master Plan (September 2013).

6.6 Qualifying Structure: A structure located in the Qualifying Area built, rebuilt, modernized, or enlarged to be used for Commercial or Industrial Uses as defined in RSA 72:80 and described herein.

6.7 Replacement: The demolition or removal of a Qualifying Structure and the subsequent construction of a new structure on the same lot.

§ 7. Tax Relief.

7.1 The Tax Relief Period is the finite period of time during which the Tax Relief, as described in section 7.5 and 7.6 below, will be effective, and the percentage amount of new Assessed Value to be exempted, as determined by the Town Council based upon classification of

the project by tier, pursuant to RSA 72:81, and in the further exercise of its discretion as set forth in sections 7.5 and 12, below.

7.2 A Tier One Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction is ten million dollars (\$10,000,000) or more.

7.3 A Tier Two Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction is five million dollars (\$5,000,000) or more.

7.4 A Tier Three Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction is two and one-half million dollars (\$2,500,000) or more.

7.5 Tier One, Two, and Three Projects shall be eligible for Tax Relief in the form of the exemption from taxation authorized pursuant to RSA 72:81, and more specifically defined as follows:

(1) For a Tier One Project:

- a. In the first full tax year for which an exemption is granted following completion of a Qualifying Structure (the “first tax year”), an exemption of between forty (40) and fifty (50) percent of the increase in Assessed Value attributable to construction of new structures, and additions, renovations, or improvements to existing structures (the “Exemption”), as determined by the Town Council.
- b. The duration of the Exemption shall be either five (5) years or ten (10) years for a Tier One Project, as determined by the Town Council.
 - i. If the Town Council grants a five (5) year exemption, in the four (4) tax years immediately succeeding the first tax year for which an exemption is granted, the Exemption shall decrease annually by ten (10) percent.
 - ii. If the Town Council grants a ten (10) year exemption, in the nine (9) tax years immediately succeeding the first tax year for which an exemption is granted, the Exemption shall decrease annually by four (4) percent.

(2) For a Tier Two Project:

- a. In the first full tax year for which an exemption is granted following completion of a Qualifying Structure (the “first tax year”), an exemption of between thirty (30) and forty (40) percent of the increase in Assessed Value attributable to construction of new structures, and additions, renovations, or improvements to existing structures (the “Exemption”), as determined by the Town Council.

- b. In the four (4) tax years immediately succeeding the first tax year for which an exemption is granted, the Exemption shall decrease annually by seven and one-half (7.5) percent.

(3) For a Tier Three project:

- a. In the first full tax year for which an exemption is granted following completion of a Qualifying Structure (the “first tax year”), an exemption of between twenty (20) and thirty (30) percent of the increase in Assessed Value attributable to construction of new structures, and additions, renovations, or improvements to existing structures (the “Exemption”), as determined by the Town Council.
- b. In the four (4) tax years immediately succeeding the first tax year for which an exemption is granted, the Exemption shall decrease annually by five (5) percent.

7.6 The Exemption shall be no less than zero (0) percent. If the Exemption decreases to zero (0) percent during the Tax Relief Period, the Tax Relief, Tax Relief Period, and the Exemption shall terminate and the covenant required under section 9 shall be released.

§ 8. Public benefits.

8.1 In order to qualify for Tax Relief as set forth in section 7.5 above, the proposed new construction or rehabilitation must, in the reasonable discretion of the Town Council, provide one or more of the following public benefits, and the proposed Replacement must provide one or more of the same public benefits to a greater degree than would a rehabilitation of the same Qualifying Structure, as follows:

- It enhances the economic vitality of the Town;
- It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or
- It increases commercial and industrial activity in the Town, including job creation.
- It increases the Town’s commercial or industrial tax base.

§ 9. Covenant to protect public benefit.

9.1 Tax Relief for the construction, rehabilitation or replacement of a Qualifying Structure shall be effective upon the property owner’s grant to the municipality of a covenant ensuring that the Qualifying Structure shall be maintained and used in a manner that continues the public benefit for which the Tax Relief was granted and as otherwise provided in this ordinance.

9.2 This covenant shall be released upon the expiration of the Tax Relief Period.

9.2 The covenant shall include provisions requiring the property owner to obtain commercially reasonable casualty insurance, and flood insurance, if relevant. The covenant may

include, at the Town Council's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of the Tax Relief after notice and an opportunity to be heard.

9.3 The Town shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property for the duration of the tax relief period, but shall thereafter expire without further affect.

§ 10. Application procedure.

10.1 An owner (or authorized agent, including a prospective purchaser and developer) of a Qualifying Structure who intends to construct, rehabilitate or replace such structure, may submit an application for the Tax Relief to the Town Manager's Office prior to construction, but not after December 31 before the beginning of the tax year for which the exemption is sought. In such cases, the Town Council may anticipatorily grant the exemption, subject to adjustment when the actual increase in Assessed Value becomes known. The applicant shall include the address of the property, a full description of the intended construction, rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and an application fee. The application shall be on a preapproved application form provided by the Town Manager's Office.

10.2 The application for property tax exemption shall not be deemed to be complete and the governing body shall not schedule a hearing on the application as required under RSA 72:83 until all required information has been submitted.

§ 11. Application fees.

11.1 An application fee of \$150, or an amount subsequently adopted by the Town Council, shall be paid at the time of application submission to the Town Manager's Office, made payable to the "Town of Londonderry."

11.2 The applicant shall also be responsible for the reasonable expenses incurred by the municipality in the drafting, review, and recording of the covenant.

§ 12. Review and decision by Town officials.

12.1 Upon receipt of a complete application, the Town Council shall consider the application in the normal course of business and notify the applicant of its decision no later than February 28 before the beginning of the tax year for which the exemption is sought. The Town Council shall determine:

- Whether the structure will be in the Qualifying Area;
- Whether the structure at issue is a Qualifying Structure;
- Whether there is a public benefit to granting the Tax Relief;
- The classification of the project by tier; and

- Within the parameters specified in section 7.5, above, the specific Tax Relief, if any, to be awarded for the Qualified Structure. The Town Council shall base this determination upon the extent of public benefit demonstrated by the applicant, assigning a higher percentage amount to applicants demonstrating a greater public benefit, and vice versa.

12.2 The Town Council may seek assistance from Town officials, legal counsel, boards or commissions in making its determinations, but shall not be required to conduct a public hearing.

12.3 After following the procedures established herein, the Town Council may grant the Tax Relief, provided:

- The Town Council finds a public benefit as defined herein; and
- The specific public benefit is preserved through a covenant as set forth above; and
- The Town Council finds that the proposed use is consistent with the applicable master plan, zoning ordinance or development regulations.

12.4 If the Town Council grants the Tax Relief, it shall identify the specific public benefit achieved as defined herein.

12.5 The burden of demonstrating the applicable tier and the public benefit shall be on the applicant. The Town Council or its agents may request such additional or updated information as is necessary to determine eligibility. Should the Town in its discretion determine that third party review or consultation is required, the applicant shall bear the associated cost. *See* RSA 72:83, III. If the Town Council determines that the applicant provided incorrect or false information during the application process or failed to provide information after such a request, the Town Council may refuse to grant the exemption without further inquiry.

12.6 If the Town Council, in its sole discretion, denies the application for Tax Relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the Board of Tax and Land Appeals or the Superior Court in the same manner as provided for appeals of current use classification pursuant to RSA 72:83; provided, however, that such denial shall be deemed discretionary and shall not be set aside by the Board of Tax and Land Appeals or the Superior Court except for errors of law or abuse of discretion.

12.7 For the purpose of determining the applicable tier for a Project, the Town Council may assign a reasonable value to factors not yet known or reflected directly in the anticipated valuation of the property after construction, including, but not limited to, significant job creation, and add such assigned value to the anticipated valuation after construction.

§ 13. Duration and limitations of property tax incentive program.

13.1 Pursuant to RSA 72:81, the exemption shall apply only to municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11

13.2 If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization

ratios applicable in the municipality before and after the revaluation. The amount and length of the property tax exemption shall be determined by the Town Council on a per-case basis, by categorizing the project by tier as set forth herein.

13.3 Tax Relief shall not be granted to an applicant who has begun construction. RSA 72:83, I.

13.4 The Town Council may grant waivers from this ordinance where not inconsistent with the purpose and intent of RSA 72:80-83, provided, however, that the Town Council may not waive a provision of this ordinance required by statute.

13.5 The Town may require the submission of an annual update to determine continued eligibility for, and the proper amount of, Tax Relief. The Town Council may conduct an annual hearing to review the update and may adjust the Tax Relief based upon changed conditions. If the Town Council determines that the applicant provided incorrect or false information in an annual update or failed to provide information necessary for an annual update after such a request, the Town Council may terminate the exemption upon notice and an opportunity for the applicant to be heard.

§ 14. Resumption of full tax liability.

14.1 Upon expiration of the Tax Relief Period, the property shall be taxed at its market value in accordance with RSA 75:1.

§ 15. Extent of Tax Relief.

15.1 Tax Relief granted under this ordinance shall be calculated on the Assessed Value at the time of the commencement of the Tax Relief Period in excess of the Original Assessed Value.

15.2 Tax Relief granted under this ordinance shall pertain only to assessment increases attributable to the construction, rehabilitation or replacement performed under the conditions approved by the Town Council and not to those increases attributable to other factors, including but not limited to market forces.

15.3 Nothing herein shall prohibit an owner from seeking an abatement of the original assessed value prior to any adjustment granted hereunder.

§ 16. Violations and penalties; enforcement.

16.1 If the property owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided above, the Town Council shall, after notice and an opportunity to be heard, determine whether and to what extent the public benefit of the Qualified Structure has been diminished and may terminate or reduce the property tax exemption amount and period in accordance with such determination.

16.2 Any tax payment required under this section 16 shall be payable according to the following procedure:

16.2.1 The Commissioner of the Department of Revenue Administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

16.2.2 The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

16.2.3 Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

16.2.4 Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18% per annum shall be due thereafter on any amount not paid within the thirty-day period. Interest at 12% per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no Tax Relief had been granted.

§ 17. Collection of unpaid taxes.

17.1 All taxes levied pursuant to RSA 72 which are not paid when due shall be collected in the same manner as provided in RSA 80.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 December 20, 2021

2
3 The meeting took place in the Moose Hill Council Chambers, 268B Mammoth Rd,
4 Londonderry, NH 03053.

5
6 Present: Chairman John Farrell; Vice Chairman Joe Green; Councilor Jim Butler, Tom
7 Dolan, and Deb Paul; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik;
8 Absent: Vice Chairman Joe Green and Executive Assistant Kirby Brown

9
10 CALL TO ORDER

11
12 Chairman Farrell called the Town Council meeting to order and wished everyone happy
13 holidays. This was followed by the Pledge of Allegiance. This was followed by a moment
14 of silence for all the first responders out there keeping our roads clear and safe this holiday
15 season.

16 PUBLIC COMMENT

17
18 Ray Breslin, 3 Gary Drive, wanted to discuss the Ordinance being brought up in Public
19 Hearing. Chairman Farrell stated that Breslin can certainly speak about it. Breslin stated
20 that with all the burden the taxpayers in Londonderry are under, it doesn't seem reasonable
21 to give a large corporation a tax break. Breslin suggested calling taxpayers to see how they
22 feel about it. Town Manager Smith stated that this tax exemption isn't for Woodmont
23 Commons, while on their property, it would be for anyone who developed there.

24
25 Doug Thomas, 143 Mammoth Rd, took the time to wish Londonderry a Merry Christmas
26 on behalf of the town's State Representatives.

27
28 Richard Bielinski, 89 Hall Rd, stated that the town had a problem a year ago about where
29 to put legal notices and the town decided to go with the Derry News. Bielinski asked why
30 the legal notice for the public hearing on the Ordinance being discussed tonight, was placed
31 in the Union Leader, when a notice for the same meeting for the unanticipated revenue,
32 was placed in the Derry News. Bielinski stated that while it was legal, it seemed unethical.
33 Bielinski stated that the Union Leader doesn't go to every house in Londonderry and it
34 looks as though it was done intentionally so that people don't see it. Assistant Town

LONDONDERRY TOWN COUNCIL MEETING MINUTES

35 Solicitor, Mike Malaguti, responded and stated that the Thanksgiving holiday was in the
36 timeframe, the agenda for the meeting was posted on the town website on 11/19. There was
37 a first reading before the Public Hearing on 11/22. 11/22 was also the deadline to get it in
38 the Derry News, which was a shorter deadline than normal because of the Thanksgiving
39 holiday. On November 23rd, the notice was sent to the Union Leader. Thanksgiving was on
40 11/25 and the notice ran on 11/29. On 11/29, the notice was posted on the town's website
41 and on 12/3 the agenda was posted on the town's website. Malaguti stated that it was
42 eighteen days' notice on the town's website, a first reading as notice, and eleven days in
43 the Union Leader. Malaguti stated that this was an administrative decision that did not
44 involve the Town Council, Town Manager, the Assistant Town Solicitor, or any other
45 senior staff. It was done in ordinary business. Malaguti stated that the Council works in
46 two-week cycles. Malaguti stated that in 2019 there was he discussion before the Council
47 and the Town Council left it in the town staff's hands as an operational matter. The current
48 practice is to use the Derry News as long as it is practical. Malaguti stated that it is not
49 always practical given the two-week cycles, given holiday's and other things that may
50 come up. Malaguti stated that the posting was legal, it even gave more notice than normal.

51

52 Bielinski stated that he does not agree with the Ordinance and what's in it. Bielinski stated
53 that something like this should go on the ballot in March and let the taxpayers decide
54 instead of the Council deciding. Bielinski stated that the people should decide.

55

56 Councilor Butler clarified that there is no unethical activity going on with the Council.
57 Councilor Butler stated that the owner of the Londonderry Times is a Councilor and that is
58 considered a conflict of interest.

59

60 Tony DeFrancesco and Bob Slater spoke to the Council regarding the new proposed School
61 District building. Slater stated that they received some preliminary pricing. It will be vetted
62 and gone through the committee to be presented to the School Board on January 6th. Slater
63 stated that they are working to make sure the building looks the same as Town Hall.
64 Chairman Farrell stated that the Council will need to make a consensus from the School
65 Board by the January 10th meeting if the bond is going to be between \$3M-\$4M so that the
66 Council can prepare for January 17th and everything can move forward. Councilor Paul
67 stated that she doesn't want to rush this project and she is neither for nor against it.
68 Councilor Paul asked when the meetings were. DeFrancesco stated that the public was
69 welcome to attend the meetings at the School District Office, but it wasn't a published
70 item. Councilor Paul asked how the public is supposed to give input. DeFrancesco stated

LONDONDERRY TOWN COUNCIL MEETING MINUTES

71 that the public can give input at the Public Hearings. Councilor Paul asked if they can add
72 some moveable walls to save on money. DeFrancesco stated that due to certain laws a lot
73 of the rooms need to have privacy for meetings. Slater stated that these plans are only 60%
74 and are out for budget purposes.

75

76 Dave Wholley, Public Works Director of Municipal Facilities, stated that there are two
77 spruce trees in the Town Common that are dying, and the tree crew to take them down is
78 now available. Wholley stated that he would like to proceed to remove them. The Council
79 stated to go ahead.

80

81

PUBLIC HEARING

82

83 Motion to open Public Hearing made by Councilor Dolan and second by Councilor Butler.
84 Chair votes 5-0-0.

85

86 Chairman Farrell introduced Ordinance #2021-03, an Ordinance relative to creating the
87 Londonderry Commercial and Industrial Property Tax Incentive Program. This public
88 hearing was continued from the last meeting. Malaguti presented. Malaguti stated that the
89 feedback from the Council at the last meeting was one, a desire to see more flexibility in
90 the Council to be able to set the duration and the amount of the exemption; and the tiers.
91 Malaguti stated that they went back and made changes. We increased the tier amount to
92 start at \$2.5M, move to \$5M and settle at \$10M for the highest exemption amount.
93 Malaguti stated that the Council can pick the exemption percentage based on amount of
94 public benefit that the Council finds. The Council can select between 40% and 50% for tier
95 one; between 30% and 40% for tier two; and between 20% and 30% for tier three. Malaguti
96 stated that the previous Ordinance said ten years of tax relief at 50%. Instead, the Council
97 can not select either five or ten years of tax relief, based on the amount of public benefit
98 decided by the Council. Smith stated that this would not apply to any existing building in
99 Woodmont.

100

101 Councilor Paul stated that she beliefs it needs more work. Councilor Paul went over what
102 she thinks should change.

103

104 Ray Breslin, 3 Gary Drive, asked what Woodmont's vision is. Has Woodmont had
105 difficulty bringing business in and why. Smith stated that the Woodmont Commons Master

LONDONDERRY TOWN COUNCIL MEETING MINUTES

106 Plan is an approved Ordinance and it's not a vision that can be changed on a whim. They
107 are required to have a certain amount of business, residential, etc. Any amendment or
108 change would have to be approved by the Planning Board.

109

110 Chairman Farrell suggested continuing the hearing and conversation to the January 10th
111 Town Council meeting to make sure it works for the community. Motion to continue the
112 Public Hearing made by Councilor Dolan and second by Councilor Butler. Chair votes 4-
113 0-0.

114

115 Motion to close Public Hearing made by Councilor Dolan and second by Councilor Butler.
116 Chair votes 4-0-0.

117

118

NEW BUSINESS

119

120 Chairman Farrell introduced Order #2021-21, an Order relative to the expenditure of
121 Maintenance Trust Fund for various projects. Dave Wholley presented. Councilor Paul
122 stepped down due to a conflict of interest. Wholley stated that on December 9th, the garage
123 water heater developed a significant leak and failed almost nine years later. There was an
124 emergency one put in and the new water heater has been installed. It comes with a six-year
125 warranty. Motion to approve Order #2021-21 made by Councilor Butler and second by
126 Councilor Dolan. Chair votes 3-0-0. Councilor Paul returned.

127

128 Attorney Mike Ramsdell, Town Attorney, stated that over the last few months, the Town's
129 negotiating committee, which consists of the Town Manager, Assistant Town Manager,
130 Assistant Solicitor, and himself, have been negotiating a new collective bargaining
131 agreement with Local 3160 Fire Fighters Union. Ramsdell stated that an agreement has been
132 met. Attorney Ramsdell stated that it will be on a warrant article, the actual cost to the town
133 over the five-year agreement. Ramsdell stated that there is already an existing contract, and
134 if the voters do not pass the new contract, the financial terms of the current contract would
135 continue under an Evergreen Clause. Ramsdell stated that everyone works hard to get to
136 where they are. Attorney Ramsdell stated that in the new agreement, which would go into
137 effect July 2022, there are forty-eight members, each member will get a five percent increase
138 in year one. Attorney Ramsdell stated that they also agreed to decrease the step tables. They
139 discussed healthcare, the fire fighters would go to the Luminous Healthcare program.
140 Chairman Farrell got a consensus from the Council and all four members, Councilor Dolan,

LONDONDERRY TOWN COUNCIL MEETING MINUTES

141 Councilor Paul, Councilor Butler and Chairman Farrell, were all in favor.

142

143 John Trottier, Director of Engineering and Environmental Services, and Bob Kerry,
144 Environmental engineer, gave the Council an update on the Londonderry water system
145 expansion assessment. Malaguti stated that once the Council decided to move forward, it
146 would be the community's decision.

147

148 Motion to approve Resolution #2021-27, a Resolution relative to creating the composition
149 of the Energy Efficient Task Force made by Councilor Dolan and second by Councilor
150 Butler. Chair votes 4-0-0.

151

152

OLD BUSINESS

153

154 Finance Director Justin Campo gave a budget update. Police Chief Bill Hart discussed the
155 issue of cyber security and the importance of the issue with the Town Council. Chief Hart
156 stated that the department spends about \$150K a year and have, that isn't budgeted for but
157 they have to find. Chief Hart stated that there is some security with the schools but it's going
158 to change. The company the department used to use is InForce911, but we no longer use
159 that. Chief Hart stated that they have looked through Mutualink for ways to accomplish this.
160 Chief Hart stated that Mutualink is subsidized by the Federal Government. It would have to
161 be purchased by the schools and Town Hall. Chief Hart stated that the technology is
162 dramatic and it's a matter of taking care of things instantly. Deputy Chief Kim Bernard
163 stated that he will get an update on the system for the next Council meeting. Chairman
164 Farrell stated that the town should move forward with this.

165

166

APPROVAL OF MINUTES

167

168 Motion to approve the Town Council minutes from December 6, 2021 made by Vice
169 Chairman Dolan and second by Councilor Butler. Chair votes 4-0-0.

170

171

BOARD/COMMITTEE INTERVIEW

172

173 Councilor Butler stepped down due to a conflict of interest. Motion to reappoint Jake Butler
174 to a three-year term on the Planning Board made by Councilor Dolan and second by

LONDONDERRY TOWN COUNCIL MEETING MINUTES

175 Councilor Paul. Chair votes 3-0-0.

176

177 Councilor Butler reentered the meeting. Motion to reappoint Jeff Penta for a three-year term
178 as a full member on the Planning Board and Jason Knights to a three-year alternate position
179 on the Planning Board made by Councilor Dolan and second by Councilor Butler. Chair
180 votes 4-0-0.

181

182 Chairman Farrell reminded people that their term expires December 31st so they need to be
183 reappointed in order to act on the board starting in the new year.

184

185 Motion to reappoint of Brendan O'Brien to a three-year full term and Mitch Feig to a three-
186 year alternate position made by Councilor Dolan and second by Councilor Butler. Chair
187 votes 4-0-0.

188

189 Motion to reappoint Sue Joudrey to a three-year full term on the Heritage Commission made
190 by Councilor Paul and second by Councilor Butler. Chair votes 4-0-0.

191

192

ADJOURNMENT

193

194 Councilor Paul asked Assistant Town Manager Drabik about the rebate program for
195 filtration systems. Drabik stated that she spoke with NHDES and they are hoping to get it
196 on a January agenda of the Executive Council. Bob Kerry is working on an application so
197 as soon as we get a green light we will be ready to go.

198

199 Motion to adjourn made by Councilor Dolan and second by Councilor Butler. Chair votes
200 4-0-0.

201

202 Notes and Tapes by: Kirby Brown

Date: 12/20/2021

203 Minutes Typed by: Kirby Brown

Date: 12/28/2021

204 Approved by: Town Council

Date: 1/10/2022