

TOWN COUNCIL AGENDA
April 19, 2021
Moose Hill Council Chambers
7:00 P.M.

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

C. PUBLIC HEARING

D. NEW BUSINESS

1.) **Resolution #2021-09** - Acceptance of Unanticipated Revenue
Under RSA 31:95-b

Presented by Justin Campo

2.) Follow-up on Rabies Clinic

Presented by Sherry Farrell

3.) **Resolution #2021-10** – A Resolution Relative to the Adoption of
the Exit 4A Area TIF District

Presented by Kevin Smith

4.) Discussion of Drought Status

Presented by Lisa Drabik

E. OLD BUSINESS

F. APPROVAL OF MINUTES

Approval of April 5, 2021 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

1.) **Resignation of Kate MacDonald from the PFAS Task Force**

H. OTHER BUSINESS

1. Liaison Reports

2. Town Manager Report

3. Assistant Town Manager Report

- **Leadership Londonderry 21-22**

I. ADJOURNMENT

J. MEETING SCHEDULE

- A. Town Council Meeting – 05/03/2021
Moose Hill Council Chambers, 7:00PM

RESOLUTION 2021-09

A Resolution Relative to the

Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 4/15/21
Second Reading: Waived
Adopted: 4/15/21

WHEREAS the Town of Londonderry adopted the provisions of RSA 31:95-b with the passage of warrant article 18 at their March, 1994 town meeting; and,

WHEREAS the Town Council desires to and has complied with RSA 31:95-b, III (b) relative to unanticipated moneys received in amounts less than \$10,000; and,

WHEREAS the Town hosted a Rabies clinic on April 10th, 2021 in coordination with Survivor's Paws Animal rescue. During the clinic 58 rabies vaccines were given and the animal's owner was charged \$15. All payments were made to the Town of Londonderry with the intention of Donation the proceeds to Survivor's Paws Animal rescue to assist in the expenses they incurred and help support them in their mission.

WHEREAS the town received a total of \$910.00 from hosting the Rabies clinic, with \$40.00 coming in the form of direct donations.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that unanticipated revenue in the amount of \$910.00 for the fiscal year ending June 30, 2021 are hereby accepted for the purpose of donating to Survivor's Paws Animal rescue.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
4/15/21

RESOLUTION 2021-10

A Resolution Relative to the

Adoption of the Exit 4A Area Infrastructure District

First Reading: 04/19/21

Second Reading/Public Hearing: 05/17/21

Adopted: 05/17/21

WHEREAS having adopted **RSA Chapter 162-K**, and having found that the construction of additional public infrastructure in this District will serve Public Purposes, the Town of Londonderry establishes the Exit 4A Area Infrastructure District upon passage of this resolution, in accordance with **RSA 162-K:3**. The District Boundaries are represented on Exhibit A attached as part of this Resolution;

WHEREAS in accordance with **RSA 162-K:4 Hearing**, the Town represents that it has held a public hearing on May 17, 2021 as required, and has offered to meet with the Londonderry School Board and County Commissioners as required by RSA 162-K:9;

WHEREAS in accordance with **RSA 162-K:5 – Limitations**, the Town finds that the District now adopted conforms with the following requirements:

- i. The District is less than five (5) percent of the total acreage of the municipality and is less than a total of 10 percent with any other District, there being no others at this time; and
- ii. The District is less than eight (8) percent of the total assessed value of the municipality, and less than sixteen (16) percent of the Districts for which bonds remain outstanding, there being no others at this time;

WHEREAS in accordance with **RSA 162-K:6 – Development Program and Tax Increment Financing Plan**, the Town adopts the Exit 4A Area Infrastructure Development Program, which contains a Financing Plan, attached as part of this Resolution, and finds that the proposed uses are permissible under the Town and **RSA 162-K** requirements;

WHEREAS in accordance with **RSA 162-K:7 Grants and Other Sources of Financing**, the Town may seek public grants and other financial assistance for the advancement or construction of public infrastructure. The Town may establish other financing options, such as a Special Assessment District (RSA Chapter 49-C), Economic Revitalization Zones (RSA 162-N), to enhance public benefits, and to encourage private investment;

WHEREAS in accordance with **RSA 162-K:9 Tax Increment Financing Plan and Computation of Tax Increments**, the Town acknowledges and

adopts the Exit 4A Area Tax Increment Financing Plan, which is part of the attached Development Program, and finds that it meets the requirements of RSA 162-K:9;

WHEREAS in accordance with **RSA 162-K:10 Computation of Tax Increments**, upon formation of the Exit 4A Area Infrastructure District, the Town assessors shall determine the current assessed value of the real property within the District, and thereafter comply with the annual requirements of RSA 162-K:10;

WHEREAS in accordance with **RSA 162-K:11 Annual Report**, the Town shall prepare and distribute an annual report as required by this section and Town requirements;

WHEREAS in accordance with **RSA 162-K:12 Maintenance and Operations** and **RSA 162-K:13 Administration**, the Town hereby appoints the Town Manager as the District Administrator, and provides for the District's operation and maintenance per the attached Financing Plan;

WHEREAS in accordance with **RSA 162-K:14 Advisory Board**, the Town shall create by Town Council appointment, a qualified Advisory Board for the Exit 4A Area Infrastructure District within thirty (30) days of adoption of the Exit 4A Area Infrastructure District for the purpose of the requirements of RSA 162-K:14. Unless otherwise designated by vote of the Town Council, the Chair of the Advisory Board shall be the Town Manager;

WHEREAS in accordance with **RSA 162-K:15 Relocation**, the Town does not foresee any displacement or relocation of persons as a result of this Resolution, the requirements of this Section are adopted; and

WHEREAS the Exit 4A Area Infrastructure District will terminate upon action by the Town Council or immediately upon the Town having met its obligation for roadway infrastructure improvements as outlined in Exhibit B attached as part of this Resolution;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that pursuant to New Hampshire RSA **Chapter 162-K Municipal Economic Development and Revitalization Districts**, the Town of Londonderry hereby adopts the Exit 4A Area Infrastructure District, which shall be in place upon the termination of the existing Airport Area Infrastructure District.

John Farrell, Jr., Chairman
Town Council

Sherry Farrell
Town Clerk/Tax Collector

(TOWN SEAL)

A TRUE COPY ATTEST:
Adopted xx/xx/xx

**Town of Londonderry
Exit 4A Area Infrastructure District
Development Program**

Including the:

- Tax Increment Financing Plan
- District Boundaries, Acreage, and Tax Value Assessment Totals

Having adopted the enabling RSA Chapter 162-K and finding that infrastructure improvements in the District will serve public purposes, the following Development District and Program are established pursuant to RSA 162-K:5 and RSA 162-K:6:

Statement of Public Facilities to be constructed: The facilities to be constructed may be, but are not limited to: publicly-owned infrastructure such as roads, ROW, sewer systems, drainage and others related to these uses. Additional facilities may include those allowed under RSA 162-K:6 (III).

Relocation or displacement of persons: No relocations are expected. Should displacement or relocations be required, the required state and federal relocation assistance procedure will be followed, including reimbursements as required.

Tax Increment Financing Plan: The Town, upon execution of Development Agreements, agrees to reimburse the developers the cost of constructing certain public infrastructure/facilities. Said reimbursements shall commence only upon the developer having received its certificate of occupancy and in accordance with the terms of the development agreement.

Public Benefit: The construction of certain public infrastructure/facilities will enhance commercial/industrial development in the area of Exit 4A, which will result in a positive impact on the Town's tax base. Pursuant to the Financing Plan developed as part of this program, there will be no bonded indebtedness or other negative impact on town, county or school tax rates that can be directly

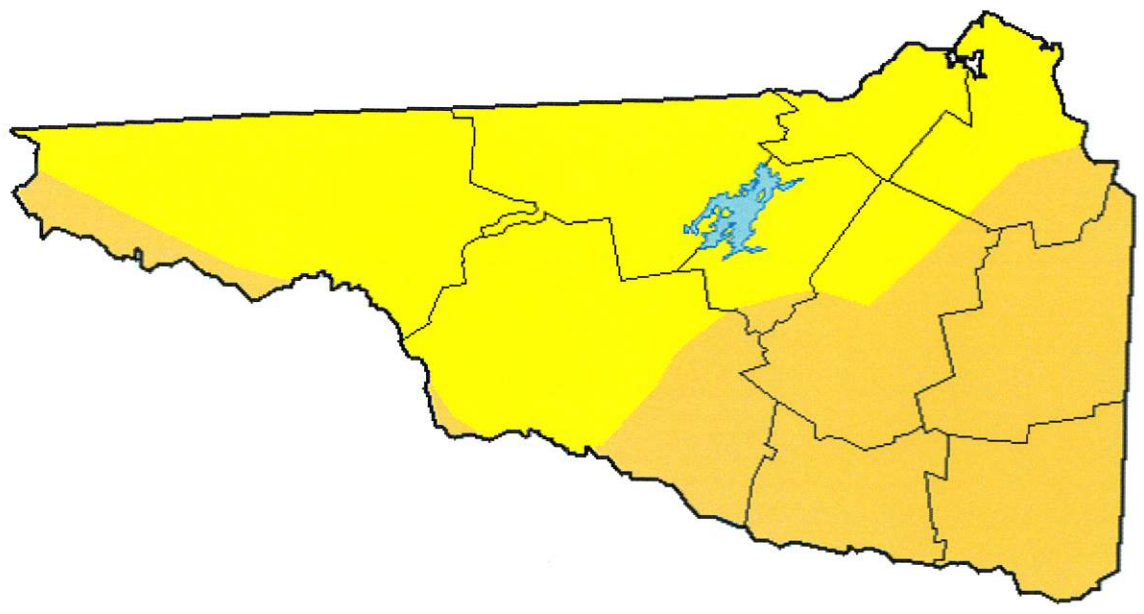
attributed to implementation of a TIF District as the reimbursement plan is funded solely by tax payments to the TIF District.

Duration of the Program's Existence: The Exit 4A Area Infrastructure District shall terminate upon action by the Town Council or immediately upon the Town having met its financial obligation for certain infrastructure/facilities improvements as outlined in the Development Agreements.







No Impact on Other Assessed Values: The tax increment financing should have no impact on the assessed values of the taxing jurisdiction in which the TIF District is located.

U.S. Drought Monitor New Hampshire

April 13, 2021
(Released Thursday, Apr. 15, 2021)
Valid 8 a.m. EDT



Intensity:

-  None
-  D0 Abnormally Dry
-  D1 Moderate Drought
-  D2 Severe Drought
-  D3 Extreme Drought
-  D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.a.spx>

Author:

Deborah Bathke
National Drought Mitigation Center



droughtmonitor.unl.edu

ORDINANCE 2020 - 03

Ordinance Restricting Outdoor Lawn Watering

First Reading: July 13, 2020
Second Reading/Public Hearing: August 31, 2020
Adopted: August 31, 2020

SECTION I: PURPOSE AND AUTHORITY

Pursuant to RSA 41:11-d, the Town Council adopts this Ordinance in order to protect public health and safety by restricting the use of water from private wells and public water systems for outdoor lawn watering (including residential and commercial properties) during a state or federally declared drought.

SECTION II: APPLICABILITY

This Ordinance shall apply to all outdoor lawn watering within the Town of Londonderry immediately after the public notice period described in Section V when the executive or administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

SECTION III: DEFINITIONS

A. Drought: A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are among those used by the Town of Londonderry to determine the existence of a drought condition: (i) the New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan and the U.S. Drought Monitor; and/or (ii) State of Emergency Declaration by the Governor's Office.

B. Lawn Watering: The application of water to decorative grass at a property. The grass playing turf of a recreational field, the grass playing surfaces of a golf course, or grass agricultural fields, including fields used for the production of sod, may be excluded by the Council from the restrictions set forth in Section IV, below.

SECTION IV: RESTRICTIONS UNDER DROUGHT CONDITIONS

The following limits to lawn watering will apply under drought conditions. Upon receiving notice that Londonderry is under a declared state of Drought as defined in Section III A., the Town Manager or his designee may impose one the following levels of watering restrictions after the mandatory notice period specified in Section V, and such restrictions shall remain in place until the next Town Council meeting, at which time the

Town Council may continue, amend or terminate the drought restrictions imposed by the Town Manager or his designee:

A. Level 1 restriction:

- i. Lawn watering by odd numbered addresses is allowed on odd numbered days.
- ii. Lawn watering by even numbered addresses is allowed on even numbered days.
- iii. Lawn watering shall not occur between the hours of 8AM and 7PM.

B. Level 2 restriction::

- i. Lawn watering by odd numbered addresses is allowed on Mondays and Thursdays.
- ii. Lawn watering by even numbered addresses is allowed on Tuesdays and Fridays.
- iii. Lawn watering shall not occur between the hours of 8AM and 7PM.

C. Level 3 restriction:

- i. Lawn watering is prohibited.

The authority of the Town Manager or his designee to temporarily impose a watering restriction shall not extend past the Town Council meeting immediately following such imposition of a watering restriction.

SECTION V: PUBLIC NOTIFICATION OF WATER USE RESTRICTIONS

Notification of any intention to restrict water use and the requirements associated with Section IV shall be given at least three calendar days before implementation. Notice of the regulations shall be posted in a paper of general circulation and shall be posted in at least two public places.

SECTION VI: TERMINATION OF WATER USE RESTRICTIONS

Public notification of termination of water use restrictions shall be given in accordance with Section V,

SECTION VII: ENFORCEMENT

Any sworn officer of the Londonderry Police Department is hereby granted the authority to initiate any enforcement action against any violation of the provisions of this Ordinance.

SECTION VIII: PENALTIES

Any property owner failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed to be in violation and subject to penalties pursuant to RSA 651:2. Violations shall be cumulative within a given calendar year, and shall reset at the end of a calendar year (i.e., the first violation at the start of a calendar year shall be deemed to be a first violation, notwithstanding the prior calendar year's history of violations, if any). Note that a property owner shall be deemed to be in compliance with

Level 1 restrictions if the owner's outdoor lawn watering complies with the more restrictive parameters of the Level 2 restrictions.

- First violation: Warning
- Second violation: \$200 fine
- Additional violations: \$1,000 fine.

SECTION IX: SEVERABILITY

If any section, provision, or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, provision, or phrase of this Ordinance.

SECTION X: WAIVERS AND APPEALS

Waivers of this Ordinance may be granted by a majority vote of the Town Council for good cause shown. Upon request of a property owner, the Town Council shall hear appeals to any penalties assessed against that owner, subject to a 30-day limit within which to file an appeal with the Town Council.

SECTION XI: AMENDMENTS

This Ordinance may, from time to time, be amended by a majority vote of the Town Council at a regularly scheduled Town Council meeting, provided notice of said meeting has been duly posted at least seven (7) business days in advance of same.

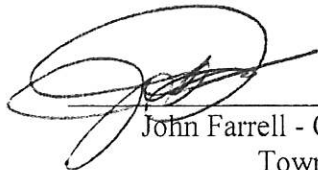
SECTION XII: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Town Council.

Adopted this 31 day of August, 2020.



Sharon Farrell - Town Clerk



John Farrell - Chairman
Town Council
(TOWN SEAL)

A TRUE COPY ATTEST:



LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 April 5, 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 Tom Dolan, Deb
7 Paul, and Jim Butler; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik;
8 Executive Assistant Kirby Brown;

9
10 CALL TO ORDER

11
12 Chairman Farrell called the Town Council meeting to order. This was followed by the
13 Pledge of Allegiance. This was followed by a moment of silence for those who serve us
14 both here and abroad.

15
16 PUBLIC COMMENT

17
18 Paul Skudlarek, 21 Woodbine Drive, stated that at the town Election, there was Article #14
19 which urged the New Hampshire General Court to be fully transparent in the redistricting
20 process. It won by a 3-to-1 margin. Skudlarek stated that the record of the vote shall be
21 transmitted by notice from the Town Council or Town Manager to New Hampshire
22 Legislatures informing them of the request from constituents within 30 days. Skudlarek
23 asked if this has been transmitted yet. Chairman Farrell stated that it will be sent by the
24 Town Manager when we plan to comply. Smith stated that it will be taken care of this
25 week.

26
27 Marge Badois, 189 Litchfield Rd, Conservation Commission, spoke about the state drought
28 conditions. Seventy-two percent of the state is abnormally dry right now. Badois stated that
29 we should put into place water restrictions now to get people into the right frame of mind.
30 Assistant Town Manager Drabik stated that she monitors the drought map daily and it is
31 dry right now. Drabik stated that she has a call with DES tomorrow.

32
33 Sherry Farrell, Londonderry Town Clerk, reminded people that April is dog registration

LONDONDERRY TOWN COUNCIL MEETING MINUTES

34 month and reminded people to register their dogs. Farrell also announced that the town is
35 doing a vaccination clinic this Saturday, only \$15 per dog.

36

37

PUBLIC HEARING

38

39 There was no public hearing.

40

41

NEW BUSINESS

42

43 Chairman Farrell introduced Resolution #2021-08, a Resolution relative to the extension of
44 the Town of Londonderry's Temporary Leave Act. Assistant Town Manager Lisa Drabik
45 presented. This does not require a public hearing. Drabik stated that this is to extend it from
46 March 31st to May 31st. Motion to approve Resolution #2021-08 made by Councilor Dolan
47 and second by Councilor Butler. Councilor Butler called for a roll call votes. Councilor
48 Paul, Butler and Dolan, and Chairman Farrell made a motion. Chair votes 4-0-0.

49

50 Chairman Farrell introduced the appointment of the Tax Collector. Motion to approve Erin
51 Newnan made by Councilor Butler and second by Councilor Dolan. Councilor Butler called
52 for a roll call votes. Councilor Paul, Butler and Dolan, and Chairman Farrell made a motion.
53 Chair votes 4-0-0.

54

55 Smith provided the Council with a document and stated that he is looking for consensus in
56 moving forward with a proposed TIF district in the future exit 4A area and the land is
57 currently owned by Woodmont Commons. Smith state that the land is developable. Smith
58 stated that major costs will be involved for it to be developed. There have been a lot of
59 inquiries for this land. The current value of the land would be retained and continue
60 generating taxes for the town. Smith stated that if there in consensus, he will bring a
61 Resolution forward at the next meeting for a fire reading and public hearing the meeting
62 after.

63

64 Councilor Paul asked Smith to explain what a TIF is and how it work. Smith stated that TIF
65 stands for tax increment financing. As soon as you declare and area of land to be in a TIF,
66 any amount of taxes that are generated above the baseline, go into a side account, so it
67 doesn't get added to the tax base until the town decides to add it back to the tax rate. The

LONDONDERRY TOWN COUNCIL MEETING MINUTES

68 Council gave a consensus to Smith to move forward.

69

70

APPROVAL OF MINUTES

71

72 Motion to approve the Town Council minutes from March 15, 2021 made by Councilor
73 Dolan and second by Councilor Paul. Chair votes 4-0-0.

74

75

LIAISON REPORTS

76

77 Councilor Dolan gave an updated on LHRA and invited them to come to the Council
78 meeting and present some recent projects, who they are, what they do, so people are more
79 familiar with them. Councilor Dolan also gave an updated on the first PFAS Task Force
80 meeting that took place. Councilor Dolan stated that things are moving along.

81

82 Vice Chairman Green entered the meeting at 7:45 PM.

83

84

APPOINTMENTS/RESIGNATIONS

85

86

NONE

87

88

ADJOURNMENT

89

90 Motion to adjourn made by Vice Chairman Green and second by Councilor Dolan. Chair
91 votes 5-0-0.

92

93 Notes and Tapes by: Kirby Brown Date: 4/05/2021

94 Minutes Typed by: Kirby Brown Date: 4/10/2021

95 Approved by: Town Council Date: 4/19/2021