

TOWN COUNCIL AGENDA
December 20, 2021
Moose Hill Council Chambers
7:00 P.M.

Regular meetings are cablecast live and recorded for the convenience of our viewers at home. 7:00 PM.

A. CALL TO ORDER

B. PUBLIC COMMENT

- 1.) School District office Update
Presented by Tony DeFrancesco and Bob Slater

C. PUBLIC HEARING

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

D. NEW BUSINESS

- 1.) **Order #2021-22** – An Order Relative to the Expenditure of Maintenance Trust Fund for Various Projects
Presented by Dave Wholley
- 2.) Londonderry Water System Expansion Assessment Update
Presented by John Trottier and Bob Kerry
- 3.) Fire Contract Discussion (**Tentative**)
Presented by Mike Ramsdell
- 4.) **Resolution #2021-27**- A Resolution Relative to creating the Composition of the Energy Efficient Task Force
Presented by Mike Malaguti

E. OLD BUSINESS

- 1.) **Budget Workshop**

F. APPROVAL OF MINUTES

Approval of December 6, 2021 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

- 1.) Planning Board Re-Appointments
- 2.) ZBA Re-Appointments
- 3.) Heritage Commission Re-Appointments

H. OTHER BUSINESS

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

I. ADJOURNMENT

J. MEETING SCHEDULE

- A. Town Council Meeting – 01/10/2022
Moose Hill Council Chambers, 7:00 PM

LEGAL NOTICE

Notice is hereby given that the Londonderry Town Council will hold a public hearing on the following item:

Adoption of Ordinance 21-03, Creating the Londonderry Commercial and Industrial Property Tax Incentive Program (RSA 72:81). The proposed ordinance is available on the Town's website.

The public hearing will occur on December 20, 2021
at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road,
Londonderry, NH 03053.

Londonderry Town Council

First Reading: 11/22/2021
Second Reading/Public Hearing: 12/06/2021
Adopted: 12/20/2021

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:

(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.

ORDER #2021-22

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 12/20/2021

Adopted: 12/20/2021

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 \$1,763.00 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 \$1,763.00, from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

John Farrell, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:

12/20/2021

Description	Vendor	Amount
<p>DPW Garage water heater</p> <p>On December 9th the garage water heater developed a significant leak and failed almost nine years to the original date of installation. A vendor was contacted for an emergency replacement on December 10th. The new water heater has a 6 year warranty.</p>	<p>Invoice #26754</p> <p>MainLine Plumbing and Heating</p> <p>Parts and Labor</p> <p>Service Call</p> <p>Miscellaneous materials</p>	<p>\$1,763.00</p> <p>\$ 1,701.00</p> <p>\$ 62.00</p> <p>\$ -</p>
Total Town Council EMTF Order		\$ 1,763.00

RESOLUTION 2021-27

A Resolution Creating the Composition of the
Energy Efficiency Task Force

First Reading: 12/20/2021
Second Reading: Not required
Adopted: 03/01/21

WHEREAS The Londonderry Town Council recognizes that emerging technologies and legal changes may allow the Town to decrease its energy usage and costs;

WHEREAS The Town Council believes it is in the best interests of the Town's taxpayers to pursue all appropriate means to reduce the Town's energy costs;

WHEREAS The Town Council desires to create a community task force to identify, investigate, study, and make recommendations concerning available and appropriate means to reduce the Town's energy costs.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Energy Efficiency Task Force be established in accordance with the "Committee Charge," a copy of which is attached hereto.

John Farrell, Chairman
Town Council

Sharon Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:

**LONDONDERRY ENERGY EFFICIENCY TASK FORCE
COMMITTEE CHARGE**

PURPOSE:

The Londonderry Energy Efficiency Task Force (“Task Force”) shall do the following:

- (1) Identify, investigate, study, and make recommendations concerning available and appropriate means to reduce the Town’s energy costs.

REPRESENTATION:

The Task Force shall consist of the following:

- A member of the Town Council, who shall act as the Chair of the Task Force; and
- Three (3) members of the public, to be appointed by the Council, who are residents of Londonderry and who, by occupation or training, have appropriate experience and perspective to inform the Task Force’s activities.

Staff members shall provide administrative and technical support to the Task Force as necessary.

ORGANIZATION

The Task Force shall determine its own rules or order, unless otherwise provided by law or Town Charter.

In addition to the Chair, the Task Force shall appoint a Vice Chair and Secretary.

DUTIES/RESPONSIBILITIES

- (1) Hold meetings upon required notice, and keep minutes as required by RSA 91-A.
- (2) Provide periodic reports to the Town Council, with the first report in or around April, 2022, or earlier.
- (3) Maintain a permanent project file that, at a minimum, includes:
 - A. Committee minutes and meeting notices;
 - B. Project plans, contracts, and payment requests;
 - C. Project correspondence; and
 - D. Other material as deemed necessary.
- (4) Provide a final report to the Council, or request an extension of such final report deadline, in or around September, 2022.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **December 6, 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, and Deb
7 Paul; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik; Executive
8 Assistant Kirby Brown; Absent: Councilor Tom Dolan

9
10 Members of the Budget Committee: Chairman Chad Franz; Members Jen Kenney, Jonathan
11 Kipp, Steve Breault, Tim Siekmann.

12 **CALL TO ORDER**

13
14
15 Chairman Farrell called the Town Council meeting to order. This was followed by the
16 Pledge of Allegiance. This was followed by a moment of silence for the safety of our
17 children this holiday season.

18 **PUBLIC COMMENT**

19
20
21 Bill Hamilton, 3 Carrier St, stated that he spent some time with the Tax Assessor because
22 his bill went up 25%. Hamilton stated that he is going to sit and listen o the budget
23 information and see what we can do so people don't get that king of an increase. Chairman
24 Farrell asked Hamilton is going to attend the School Board meeting as well since they are
25 a separate form of government. Hamilton stated that he is.

26
27 Ray Breslin, 3 Gary Drive, stated that he wanted to discuss Ordinance #2021-03, the
28 property tax incentive program for Woodmont. Chairman Farrell stated that there will be a
29 public hearing on the Ordinance this evening.

30 **PUBLIC HEARING**

31
32
33 Motion to enter Public Hearing made by Vice Chairman Green and second by Councilor

LONDONDERRY TOWN COUNCIL MEETING MINUTES

34 Butler. Chair votes 5-0-0.

35

36 Chairman Farrell introduces Ordinance #2021-03, an Ordinance relative to creating the
37 Londonderry Commercial and Industrial Property Tax Incentive Program presented by
38 Town Manager Kevin Smith and Mike Malaguti. Smith stated that this is to take advantage
39 of an economic development tool that the state has put into place in municipalities to take
40 advantage of, to accelerate commercial and industrial development in town. Smith stated
41 that Londonderry has excelled in the commercial and industrial phase, which has kept
42 municipal taxes low. This program is specifically designed for commercial and industrial
43 construction. It's to accelerate construction in the Woodmont areas. Smith stated that those
44 are small scale developments. Malaguti stated that in order to qualify there has to be a public
45 benefit.

46

47 Councilor Paul stated that she would like to invoke her Town Council privileges due to
48 posting of the Public Hearing. Councilor Paul stated that she spoke with Town Manager
49 Smith and she feels that more people weird have attended, and we should be consistent on
50 where we put the notices. Councilor Paul stated that she has offered before, and she will
51 offer again, for the notices to be put in her paper, the Londonderry Times, for free. Chairman
52 Farrell stated that a procedural way to go about it would be to have the staff address
53 questions, and since people did come, to allow the public hearing to continue tonight and
54 invoke her Councilor privilege to continue. Councilor Butler stated that he will vote to
55 continue it.

56

57 Councilor Paul asked a question regarding the ten years, does it have to be ten years. Smith
58 stated Derry does do ten years. Smith stated that ours states five years for the projects that
59 are less of an investment and the ones that are the larger investments (\$5M or more) we did
60 ten years. Smith stated that it doesn't have to be ten years, we can change it to five.
61 Councilor Paul asked if the decision goes to the whole Council. Malaguti stated that the
62 decision would go to the whole Council publicly.

63

64 Ted Combes, 6 Bancroft Rd, stated that if this is kept with in the future, look at the Mills in
65 Manchester, they revitalized the city, it is a good way of looking at this. Combes stated that
66 he would like to throw his support behind this because it's a good way to bring new business
67 in to Londonderry. Combes asked if the Council would look at what they're spending, or
68 would be the assessed value but the Assessor? Malaguti stated that it would be the assessed
69 value. It would be 50% of whatever the assessed value is, Smith stated.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

70

71 Ray Breslin, 3 Gary Dr, asked what is the benefit to the citizens of Londonderry. Town
72 Manager Smith stated that the town is trying to get development in Woodmont and this is a
73 tool to do so.

74

75 Councilor Paul asked what the shelf life for this program be. Malaguti stated that it is a 5
76 year program.

77

78 Motion to continue the Public Hearing for Ordinance #2021-03 to the next meeting on
79 December 20th made by Vice Chairman Green and second by Councilor Butler. Chair votes
80 4-0-0.

81

82 Chairman Farrell introduced the acceptance of unanticipated revenue pursuant to RSA
83 31:95-b for ten thousand dollars for sensory playground equipment on the current town
84 playground. Ryan Buker, President of the Londonderry Police Association, stated that the
85 donation is actually for fifty-two hundred. Motion to accept the donation made by Vice
86 Chairman Green and second by Councilor Butler. Chair votes 4-0-0.

87

88 The Town Council held the first FY22 budget public hearing. Town Manager Smith
89 presented the Council with updates. Finance Director Justin Campo was absent. The Council
90 went out to the public. No questions from the public.

91

92 Chief Bill Hart presented an update on the cyber security at the Police Department and what
93 they're looking to do.

94

95 Bill Hamilton, 3 Carrier St, wondered why there is a budget being presented when there was
96 also discussion on ways to save more.

97

98 Motion to close public hearing made by Vice Chairman Green and second by Councilor
99 Butler. Chair votes 4-0-0.

100

101

102

LONDONDERRY TOWN COUNCIL MEETING MINUTES

103

NEW BUSINESS

104

105 Chairman Farrell introduced Order #2021-21, an Order relative to the expenditure of
106 Maintenance Trust Fund for various projects. Dave Wholley presented. Wholley stated that
107 they felt it would be easier if they had the money as the bills come in, in the amount of
108 \$17,000, so that way we don't have to keep going back to the Council for every single
109 expenditure for winter maintenance. Motion to approve Order #2021-21 made by Councilor
110 Paul and second by Councilor Butler. Chair votes 3-1-0. Vice Chairman Green voted against
111 due to the fact that he believes Orders should go in front of the Council each time for review.

112

113 Chairman Farrell introduced Resolution #2021-26, a Resolution relative to the acceptance
114 of unanticipated revenue under RSA 31:95-b, which was the public hearing for the sensory
115 playground. Malaguti stated that the Finance Director texted him and said that this
116 Resolution is to accept the full amount of donations, up to \$12K. Motion to accept
117 Resolution #2021-26 made by Vice Chairman Green and second by Councilor Butler. Chair
118 votes 4-0-0.

119

120 Assistant Town Solicitor Mike Malaguti gave an update on DOT Exit 4A land takings.

121

122

APPROVAL OF MINUTES

123

124 Motion to approve the Town Council minutes from December 6, 2021 made by Vice
125 Chairman Green and second by Councilor Paul. Chair votes 4-0-0.

126

127

BOARD/COMMITTEE INTERVIEW

128

129 The Town Council interviewed Ted Combes, 6 Bancroft Rd, for an alternate position on
130 the Planning Board. They interviewed Ron Dunn at the last meeting. Motion to appoint
131 Ted Combes as an Alternate Member on the Planning Board made by Councilor Butler
132 and second by Vice Chairman Green. Chair votes 4-0-0.

133

134 The Council interviewed David Heafey, 19 Sugarplum Lane, for a full-time position on
135 the Conservation Commission. The Conservation Commission recommended Heafey for
136 the position. Motion to appoint David Heafey as a full member on the Conservation

LONDONDERRY TOWN COUNCIL MEETING MINUTES

137 Commission made by Councilor Butler and second by Councilor Paul. Chair votes 4-0-0.

138

139

ADJOURNMENT

140

141 Motion to adjourn made by Vice Chairman Green and second by Councilor Butler. Chair
142 votes 4-0-0.

143

144 Notes and Tapes by: Kirby Brown Date: 12/06/2021

145 Minutes Typed by: Kirby Brown Date: 12/12/2021

146 Approved by: Town Council Date: 12/20/2021