

**TOWN COUNCIL AGENDA**  
**April 18, 2022**  
**Moose Hill Council Chambers**  
**7:00 P.M.**

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

- 1.) Concerts on the Common Update & Discussion  
**Presented by Larry Casey**

**C. PUBLIC HEARING**

**D. NEW BUSINESS**

- 1.) Department Goals Discussion  
**Presented by Michael Malaguti and Lisa Drabik**
- 2.) **Ordinance #2022-03 – (First Reading)**  
**Presented by Colleen Mailloux**
- 3.) **Ordinance #2022-04 – (First Reading)**  
**Presented by Colleen Mailloux**
- 4.) Presentation on Public Access to Projects Under Review Website  
Page  
**Presented by Colleen Mailloux**
- 5.) **Ordinance #2022-05 – An Ordinance Creating the Londonderry  
Commercial and Industrial Property Tax Incentive Program  
(First Reading)**  
**Presented by Michael Malaguti**

**E. OLD BUSINESS**

**F. APPROVAL OF MINUTES**

**Approval of April 11, 2022 Town Council Minutes**

**G. APPOINTMENTS/REAPPOINTMENTS**

**H. OTHER BUSINESS**

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

**I. ADJOURNMENT**

**J. MEETING SCHEDULE**

A. Town Council Meeting **05/09/2022**  
Moose Hill Council Chambers, 7:00 PM

B. Town Council Meeting **05/23/2022**  
Moose Hill Council Chambers, 7:00 PM

Introduced: 4/18/22  
Public Hearing: 5/23/22  
Adopted: X/XX/XX

**ORDINANCE 2022-03**  
***AN AMENDMENT TO THE LONDONDERRY ZONING***  
***ORDINANCE SECTION 4.2.1.4 RELATIVE TO THE***  
***KEEPING OF POULTRY IN THE AR-1 DISTRICT***

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***WHEREAS*** it has been requested that the Londonderry Planning Board review the ordinance regulating the keeping of poultry on lots smaller than 2 acres in size; and

***WHEREAS*** the Londonderry Planning Board, with advisement from the University of New Hampshire Cooperative Extension, has determined that the keeping of poultry on lots smaller than 2 acres is a reasonable use, with certain restrictions,

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

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended per the attached to reflect changes to Section 4.2.1.4 relative to the keeping of poultry in the AR-1 district, to become effective upon passage by the Town Council.

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John Farrell, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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***Sherry Farrell - Town Clerk***  
***X/XX/XX***

***Town Seal***

**Domestic Pets:** This term includes dogs, cats and other small animals commonly kept for non-commercial purposes for the exclusive enjoyment of the residents.

**Livestock:** This term shall include horses, cattle, sheep, swine, goats and other animals usually kept or raised on a farm. Exempted from this definition are domestic pets and poultry as defined in this Ordinance.

**Poultry:** Winged and feathered animals including, but not limited to, chickens, hens, roosters, ducks, geese, and turkeys.

#### 4.2.1.4 Livestock

A. Agricultural livestock, poultry, and horses ~~will not be permitted except on~~ only permitted on lots containing two acres or more, except as noted in Section 4.2.1.4.B below. All buildings, runs, pens, and kennels (excluding pastures) will be located a minimum of 25 feet from any property line. These lot size and setback requirements also pertain to dog kennels. Exempted from this provision are domestic pets as defined in this ordinance.

B. On lots smaller than two acres in size in the AR-I district, the keeping of poultry is permitted with the following restrictions:

1. All poultry shall be properly enclosed at all times. Enclosures must be roofed (wire or mesh roofing is acceptable) and shall be adequate to prevent the poultry from escaping from and trespassing on public or private property.
2. A minimum of 3 square feet of sheltered coop and 10 square feet of enclosed outdoor run shall be provided per bird, with the exception of turkeys which require a minimum of 6 square feet of sheltered coop and 10 square feet of enclosed outdoor run per bird.
3. Enclosures in conjunction with the raising and keeping of poultry shall be located a minimum of 25' from any property line.
4. There shall be no roosters, geese or guinea fowl permitted.
5. Number of poultry permitted:
  - a. Lots 1 to 2 acres in size are permitted to have:
    - i. No more than 12 poultry other than turkeys; and
    - ii. No more than 6 turkeys.
  - b. Lots 0.5 acre to less than 1 acre in size are permitted to have:
    - i. No more than 6 poultry other than turkeys; and
    - ii. No turkeys.
  - c. No poultry shall be kept on a lot smaller than 0.5 acre in size.

A.C. At no time shall a public nuisance be created as to sight, sound, smell, vermin or any other action which would interfere with nearby property owner's rights.

B.D. Commercial piggeries or mink farms established for the raising, care, and keeping of pigs or minks as business in any district shall not be permitted. The raising of pigs for one's own home consumption shall be permitted, providing that in so doing, a public nuisance is not created and the operation does not offend by reason of the emission of smoke, noise, odors, or fumes.

Introduced: 4/18/22  
Public Hearing: 5/23/22  
Adopted: X/XX/XX

**ORDINANCE 2022-04**  
***AN AMENDMENT TO THE LONDONDERRY ZONING***  
***ORDINANCE ESTABLISHING A GROUNDWATER***  
***PROTECTION OVERLAY DISTRICT, SECTION 4.6.8***

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***WHEREAS*** the New Hampshire Department of Environmental Services has prepared a model ordinance for the protection of locally important groundwater; and

***WHEREAS*** the Londonderry Planning Board recognizes that groundwater is a critical natural and economic resource; a frequently utilized source of drinking water and an integral part of the hydrologic system; and

***WHEREAS*** the proposed Groundwater Protection Overlay District will provide a regulatory tool to protect the wellhead protection areas associated with public water systems within the Town of Londonderry; and

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

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended per the attached to adopt Section 4.6.8, Groundwater Protection District, to become effective upon passage by the Town Council.

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John Farrell, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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Sherry Farrell - Town Clerk  
X/XX/XX

*Town Seal*

## **4.6.8 Groundwater Protection District**

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### **4.6.8.1 Authority**

This Section is enacted pursuant to RSA 674:21 as an Innovative Land Use Control. The Planning Board shall be solely responsible for the interpretation and administration of this ordinance, including the granting of conditional use permits relative thereto. Any decision made by the Planning Board under this ordinance may be appealed in the manner provided by RSA 677:15.

### **4.6.8.2 Purpose**

The purpose of this ordinance is, in the interest of public health, safety and general welfare, to preserve, maintain and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.

### **4.6.8.3 Definitions**

The following definitions shall apply only to this Groundwater Protection Ordinance and shall not be affected by the provisions of any other ordinance of the Town of Londonderry.

- A. Aquifer: a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
- B. Petroleum bulk plant or terminal: means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.
- C. Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.
- D. Gasoline station: means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.
- E. Impervious: not readily permitting the infiltration of water.
- F. Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen; wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
- G. Junkyard: an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.
- H. Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
- I. Public water system: a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- J. Regulated substance: petroleum, petroleum products, regulated contaminants for which an ambient groundwater quality standard has been established under RSA 485-C:6, and

substances listed under 40 CFR 302, 7-1-05 edition, excluding substances used in the treatment of drinking water or waste water at department approved facilities.

- K. Sanitary protective radius: The area around a public water supply well which must be maintained in its natural state as required by EnvDw 301 or 302 (for community water systems); Env-Dw 405.14 and 406.12 (for other public water systems).
- L. Seasonal high water table: The depth from the mineral soil surface to the upper most soil horizon that contains 2 percent or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Civil or Environmental Engineer or other qualified professional approved by the Planning Board or the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for at least a period of seven consecutive days.
- M. Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there.
- N. Snow dump: For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.
- O. Stratified-drift aquifer: A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.
- P. Surface water: streams, lakes, ponds and tidal waters, including marshes, water-courses and other bodies of water, natural or artificial.
- Q. Wellhead protection area: The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

#### **4.6.8.4 Groundwater Protection District**

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries,

- (1) all of the Wellhead Protection Areas for public water supply wells as defined under Article III, part (I) of this ordinance

The district is shown on the map entitled, Town of Londonderry Groundwater Protection District, dated [Date Adopted].

#### **4.6.8.5 Applicability**

This Ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under Section 4.6.8.10 (Exemptions) of this Ordinance.

#### **4.6.8.6 Permitted Uses**

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses. All uses must comply with the Performance Standards unless specifically exempt under Section 4.6.8.10.

#### **4.6.8.7 Prohibited Uses**

The following uses are prohibited in the Groundwater Protection District.:

- A. The development or operation of a solid waste landfill;
- B. The outdoor storage of road salt or other deicing chemicals in bulk;
- C. The development or operation of a junkyard;
- D. The development or operation of a snow dump;
- E. The development or operation of a wastewater or septage lagoon;
- F. The development or operation of a petroleum bulk plant or terminal;
- G. The development or operation of gasoline stations.

#### **4.6.8.8 Conditional Uses**

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:

- A. Storage, handling, and use of regulated substances in quantities exceeding 55 gallons or 660 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Section 4.6.8.12, is approved by the Londonderry Fire Department.
- B. Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater.
- C. Any activities that involve blasting of bedrock.

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use (as listed in Section 4.6.8.7 of this Ordinance) and will be in compliance with the Performance Standards in Section 4.6.8.11 as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

#### **4.6.8.9 Existing Non-Conforming Uses**

Existing non-conforming uses may continue without expanding or changing to another non-conforming use, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules. Gasoline

#### **4.6.8.10 Exemptions**

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

- A. Any parcel located within the Airport District is exempt from this Groundwater Protection Ordinance;
- B. Any private residence is exempt from all Performance Standards;
- C. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from Section 4.6.8.11, Performance Standards, sections E through H;
- D. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard E;



- E. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards E through H;
- F. Storage and use of office supplies is exempt from Performance Standards E through H;
- G. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards E through H if incorporated within the site development project within six months of their deposit on the site;
- H. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;
- I. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Hw 401.03(b)(1) and 501.01(b) are exempt from Performance Standards E through H;
- J. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section 4.6.8.14 of this ordinance.

#### **4.6.8.11 Performance Standards**

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Section 4.6.8.10:

- A. For any new or expanded uses that will render impervious more than 15 percent or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with the Town of Londonderry Site Plan Regulations, Section 3.07 Storm Drain Systems.
- B. Conditional uses, as defined under Section 4.6.8.8 shall develop stormwater management and pollution prevention plans and include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA, Feb 2009) The plan shall demonstrate that the use will:
  1. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (PostConstruction) Stormwater Management,( NHDES, 2008 or later edition)
  2. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
  3. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);
  4. Maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.
- C. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food (2017), and any subsequent revisions;
- D. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;

- E. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;
- F. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
- G. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
- H. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
- I. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.
- J. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells
- K. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter

#### **4.6.8.12 Spill Prevention, Control and Countermeasure (SPCC Plan)**

Conditional uses, as described under Section 4.6.8.8, part (A), using regulated substances shall submit a spill control and countermeasure (SPCC) plan to the [Fire Chief, Health officer or Emergency Management officer] who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

- A. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
- B. Contact list and phone numbers for the current facility response coordinator(s), cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
- C. A list of all regulated substances in use and locations of use and storage;
- D. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.
- E. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
- F. List of positions within the facility that require training to respond to spills of regulated substances.
- G. Prevention protocols that are to be followed after an event to limit future large releases of any regulated substance.

#### **4.6.8.13 Relationship Between State and Local Requirements**

Where both the State and the municipality have existing requirements the more stringent shall govern.

#### **4.6.8.14 Maintenance and Inspection**

- A. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Rockingham County. The description so prepared shall comply with the requirements of RSA 478:4-a. Petroleum bulk plant or terminal: means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.
- B. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Code Enforcement Officer at reasonable times with prior notice to the landowner.
- C. All properties in the Groundwater Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Section 4.6.8.10, shall be subject to inspections under this Section.
- D. The Town of Londonderry may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Town of Londonderry as provided for in RSA 41-9:a.

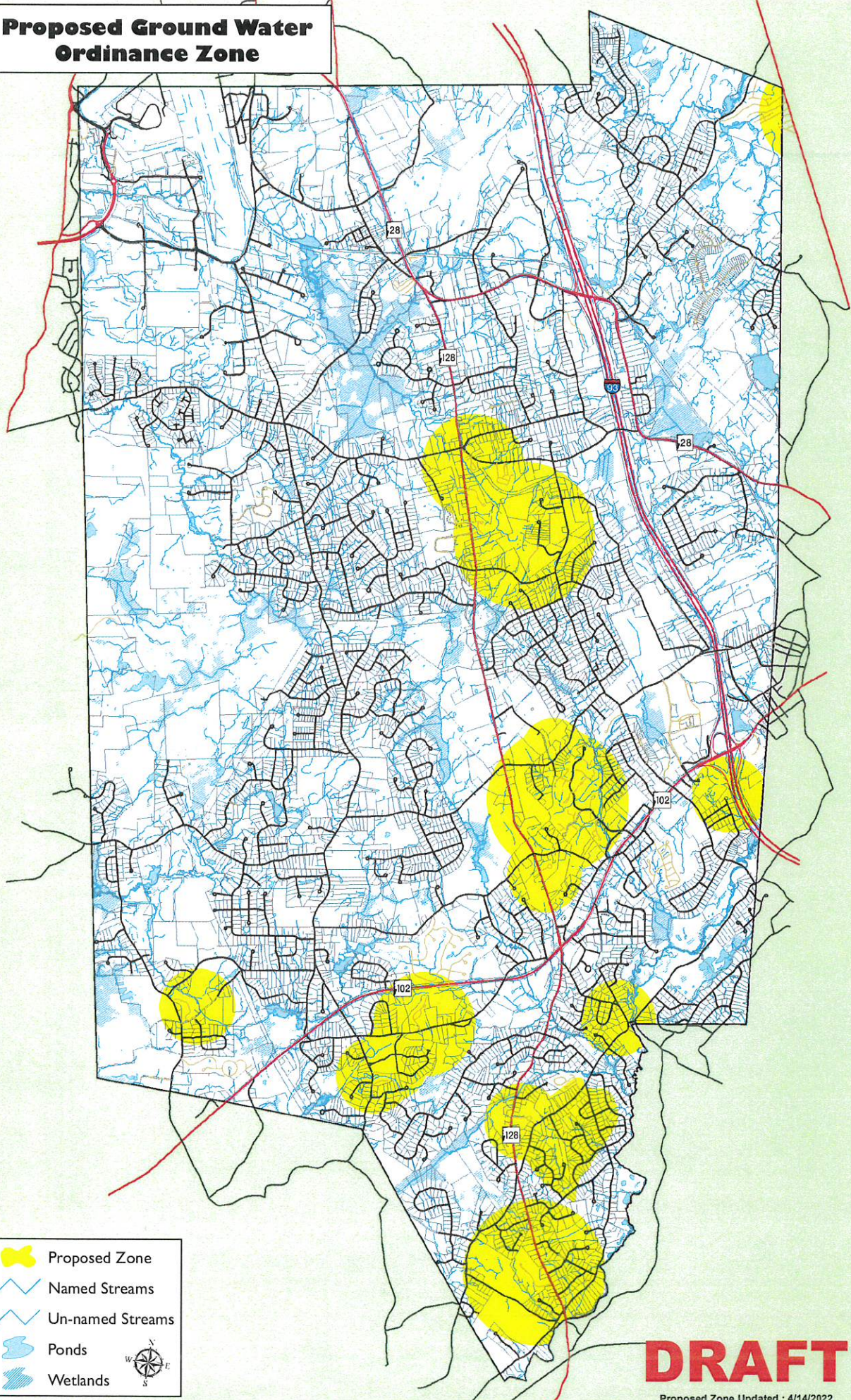
#### **4.6.8.15 Enforcement Procedures and Penalties**






Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.

#### **4.6.8.16 Saving Clause**

If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.

# Proposed Ground Water Ordinance Zone



-  Proposed Zone
-  Named Streams
-  Un-named Streams
-  Ponds
-  Wetlands

**DRAFT**

Proposed Zone Updated : 4/14/2022

First Reading: 04/18/2022  
Second Reading/Public Hearing: 05/09/2022  
Adopted: \_\_\_\_\_

**ORDINANCE #2022-05**  
***CREATING THE LONDONDERRY COMMERCIAL AND INDUSTRIAL  
PROPERTY TAX INCENTIVE PROGRAM***

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***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 to make the Program available town-wide; 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 eighteen (18) months 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.

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Sharon Farrell, Town Clerk

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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 to make the Program available town wide for commercial and industrial uses as defined herein.

**§ 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 Qualifying Area is the Town of Londonderry. .

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 thirty million dollars (\$30,000,000) 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 fifteen million dollars (\$15,000,000) 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.

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, above, the specific Tax Relief and Tax Relief Period, 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 In determining the existence and extent of a public benefit, the Town Council shall also identify the costs and detriments associated with the proposed development or project, and weigh such factors against any public benefit. Only if the public benefit is found to specifically outweigh any costs and detriments shall the Town Council grant the Exemption.

12.3 After determining the applicable tier, in setting the applicable percentage (or, in the case of a Tier One Project, the duration of the Exemption), the Town Council shall also factor the extent of the public benefit and the costs and detriments associated with the proposed development or project.

12.4 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.

12.5 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.

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

12.7 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.

12.8 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.

12.9 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.

13.6 This ordinance shall expire eighteen (18) months after its passage, unless sooner terminated or extended by vote of the Town Council.

#### **§ 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.



Office of the Town Manager  
Michael J. Malaguti • Town Manager  
268B Mammoth Road, Londonderry, NH 03053  
mmalaguti@londonderrynh.org • (603) 432-1100 x151

John Farrell, Chairman  
Londonderry Town Council

### **Town Manager's Report – April 18, 2022**

Mr. Chairman:

I am pleased to submit the following Town Manager's Report. The purpose of this report is to update the Council and the public on my activities, and the activities of the Department Heads and their Staff, during the last reporting period.

#### ***I. Resident and Community Contacts***

One of the Town Manager's most important duties is to interface with the public to provide information and receive feedback, and to resolve resident concerns. The following is a summary of notable resident interactions and issues during the last reporting period:

- I met with a resident who was involved with the International Exchange Committee and who disagrees with the revocation of our sister city relationship with Vologda, Russia.
- I addressed a resident's concern about sewer billing.

#### ***II. Other Activities and Pending Matters***

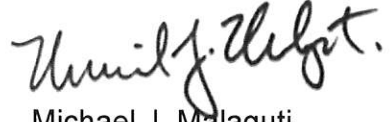
The following is a summary of other pending matters for the Council and the public's information:

1. **Council Email.** I resolved a concern Vice Chairman Green had identified of not being able to email individual Councilors through the website.
2. **Goals Discussion.** The Assistant Town Manager and I continued to meet with Department Heads concerning their goals.
3. **Union Meeting.** The Assistant Town Manager and I met with representatives of one of our collective bargaining units.
4. **Opioid Litigation.** I corresponded and had a zoom call with the Town's attorneys in the opioid litigation.
5. **Town Solicitor.** The Assistant Town Manager posted the job I formerly held.
6. **Kevin Smith 91-A Requests.** The Assistant Town Manager and I continued to work on fulfilling these requests. We also received additional requests during this reporting period.
7. **Congressional Directed Spending Requests.** I requested federal funding for two roadway and sewer infrastructure projects.
8. **Veterans' Tax Credits.** A first reading of a revised ordinance took place on April 11. The second reading/public hearing will occur on May 9.
9. **Real Estate Transactions.** I worked on the Gilcreast Road real estate transaction and on a separate transaction for a prospective swap parcel.
10. **Elderly Tax Exemption Eligibility Requirements.** At the Council meeting on April 11, Vice Chairman Green requested we look at the eligibility requirements to determine whether updates are needed. This item is in process and will be addressed at the May 9 Council meeting.
11. **Mosquito Spraying Contract.** I previously directed that the mosquito spraying contract be put out for bid. Last year, it was not. Because of this bidding process, working with the Finance Director and Health Officer, we were able to save the Town \$24,000 per year for a 3 year contract.
12. **Town Hall Security Upgrade.** We completed a security upgrade at Town Hall.
13. **Read File:** The following items are attached to this Report for general informational purposes:
  - Drinking Water State Revolving Fund Pre-Application Notice (01).
  - CDFA grant opportunity (02).



- SWEC student liaison information (03).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Malaguti". The signature is written in a cursive style with a large initial "M".

Michael J. Malaguti  
Town Manager

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 April 11, 2022

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; Councilors Jim Butler, Chad  
7 Franz, and Deb Paul; Town Manager Michael Malaguti; Assistant Town Manager Lisa  
8 Drabik; Absent: Executive Assistant Kirby Brown.

9  
10 CALL TO ORDER

11  
12 Chairman Farrell called the Town Council meeting to order at 7:00 PM. This was followed  
13 by the Pledge of Allegiance. This was followed by a moment of silence for all those who  
14 are in danger in Ukraine.

15  
16 NON-PUBLIC

17  
18 The Council entered into non-public session pursuant to RSA 91-A:3, II(a). Motion to enter  
19 non-public made by Vice Chairman Green and seconded by Councilor Franz. The motion  
20 passed unanimously after a roll-call vote. The Council exited the meeting at 7:03 PM.

21  
22 The Council reentered the room at 7:23 PM. Motion to come out of non-public made by  
23 Vice Chairman Green and seconded by Councilor Franz. The Council took a roll-call vote  
24 which passed unanimously.

25  
26 Chairman Farrell introduced Resolution #2022-04, a Resolution relative to the Town  
27 Manager. Tonight is the first and only reading. Effective February 8, 2022, the Town  
28 Council appointed Michael Malaguti to the role of Acting Town Manager. Per Resolution  
29 #2022-04, the Council voted to appoint Michael Malaguti as the Town Manager for the  
30 Town of Londonderry, effective April 11, 2022. The Council also voted to suspend the  
31 residency requirement for the appointee. Motion to appoint and adopt the Resolution made  
32 by Vice Chairman Green and seconded by Councilor Butler. Chair votes 5-0-0 in a roll-call  
33 vote.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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35

36

37

### PUBLIC COMMENT

38

39 Chairman Farrell invited Town Clerk Sherry Farrell to speak to the leash law. Sherry  
40 Farrell thanked all of those who helped to make the Annual Rabies Clinic a success.  
41 Farrell asked the Council to look at Ordinance #02016-02. Farrell stated that in  
42 Londonderry, there is an animal control ordinance, but no leash law. Farrell stated that the  
43 way the ordinance is written and amended in 2016, the dog has to be under control of the  
44 owner, but need only be on-leash in certain places such as the rail trail. Farrell stated that  
45 there have been some incidents over the last few months with dogs that have been  
46 troublesome. Farrell suggested that it's something that needs to be looked at. Malaguti  
47 went over the process of amending an ordinance. Councilor Paul suggested re-  
48 investigating the dog park idea.

49

50 Chairman Farrell requested a motion to seal the minutes from the non-public meeting.  
51 Motion to seal the minutes indefinitely made by Vice Chairman Green and seconded by  
52 Councilor Butler. Chair votes; vote was 5-0-0 on the motion.

53

54 Chairman Farrell read into the record Proclamations for National Telecommunications  
55 Week. Chairman Farrell presented the Proclamations to both the Police and Fire  
56 Departments.

57

58 Vice Chairman Green spoke about something he has worked on with Steve Hamilton and  
59 Town Manager Malaguti. Councilor Green stated that there is a particular current income  
60 limit for an elderly exemption. Councilor Green stated that the limits are too low.  
61 Councilor Green suggested having a discussion, since prices are increasing, we should  
62 raise the limit. Councilor Green also stated that those who have had a spouse pass but are  
63 still receiving a pension should be considered subject to the family limits since they are  
64 receiving two incomes. Chairman Farrell stated that the Council can certainly revisit the  
65 income limits.

66

67 Dan Bouchard, 8 O'Connell Drive, commented on what Town Clerk Sherry Farrell spoke  
68 about. Bouchard stated that when people register their dogs they should be handed a copy  
69 of the dog laws.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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70

71 Joan Chmielorz, 38 South Rd, stated that for forty-three years she has been paying the  
72 town of Londonderry taxes. Chmielorz stated that her husband passed away a long time  
73 ago and she can't afford the town's taxes. Chmielorz begged the Council to stop and think  
74 about the poor people. Chairman Farrell stated that 23% of the taxes collected run the  
75 town and the rest of it runs the schools. Chairman Farrell explained the process of taxes  
76 and what the town has to pay over to the schools.

77

78

### PUBLIC HEARING

79

80 Motion to open public hearing made by Vice Chairman Green and seconded by Councilor  
81 Franz. Chair votes; Motion carries 5-0-0.

82

83 Chairman Farrell introduced the acceptance of unanticipated revenue under RSA 31:95-b,  
84 and ARPA Grant. Assistant Town Manager Lisa Drabik presented. Drabik stated that in  
85 step one of the explorations of establishing a public water system, NHDES is currently  
86 funding a feasibility study on the town's behalf. Drabik stated that she, Town Manager  
87 Malaguti, and other town staff members have met with the engineering firm engaged by  
88 NHDES to do the feasibility study (Weston and Sampson). The feasibility study is in its  
89 final phase, and we should have the final report soon. Drabik stated that the grant  
90 currently before the Council is for the second step in the process, a "Cost of Service"  
91 study which will look at questions like potential models for establishing a public water  
92 system and the projected water rates for the customer under each model. Drabik stated that  
93 we will also use Weston and Sampson to do the Cost of Service Study, which will cost  
94 roughly \$87,000.00, and we have just finalized the scope of work document. We put a  
95 warrant article on the ballot in March 2022, which passed, authorizing \$100,000.00 for  
96 this. We applied for grant funding with DES and we have been award \$50,000.00 in  
97 ARPA funds to partially defray the cost of the study.

98

99 Motion to close the public hearing made by Vice Chairman Green and seconded by  
100 Councilor Franz. Chair votes; motion carries 5-0-0. Public hearing is closed and the  
101 Council will vote on this in the next section.

102

103

### NEW BUSINESS

104

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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105 Deputy Chief Kim Bernard and Chief Bill Hart presented department goals for the Police  
106 Department. See attached. The Council shared ideas for the department.

107

108 Finance Director Justin Campo presented the Finance Department goals for the year.  
109 Councilor Paul asked if it would be better to use money for finding a part-time or full-time  
110 grant writer and if there was anything in the department that could be outsourced. Farrell  
111 asked if the employee who knows how to write grants can teach someone how to do so.  
112 Campo stated yes. Farrell asked Campo how he felt about outsourcing payroll. Campo  
113 stated that he has looked into this in the past, but it proved cost prohibitive and would  
114 likely still require a designated internal payroll person.

115

116 Chairman Farrell introduced Resolution #2022-05, a Resolution relative to the acceptance  
117 of unanticipated revenue under RSA 31:95-b. This was the Resolution discussed in the  
118 public hearing for the ARPA Grant. Motion to approve Resolution #2022-05 made by  
119 Vice Chairman Green and seconded by Councilor Franz. Chair votes; motion carries 5-0-  
120 0. Assistant Town Manager Lisa Drabik stated that on top of the Resolution that is being  
121 signed there is also a certificate of vote, which was then signed by the Chair in the  
122 presence of Lisa Drabik, who is a notary.

123

124 Chairman Farrell introduced the first reading of Resolution #2022-06, a Resolution  
125 relative to the Veteran's Tax Credit Policy. The public hearing on this resolution will be at  
126 the May 9<sup>th</sup> Town Council Meeting. Councilor Franz recused himself due to the fact that  
127 he is a veteran. Motion to waive first reading made by Vice Chairman Green and seconded  
128 by Councilor Butler. Chair votes; motion carries 4-1-0.

129

130 Town Manager Michael Malaguti provided an update on the recycling center credit card  
131 machine at the Drop Off Center. Malaguti stated that it was up and running in November  
132 2021 as a pilot program during which time the service fees were waived. The program will  
133 be back up and running on April 16<sup>th</sup> on a permanent basis. Finance Director Campo  
134 discussed the credit card service fee we should charge to the residents using credit cards.  
135 Campo stated that it will be between \$1.50 or \$2.50; probably \$2.00. Chairman Farrell  
136 stated that if it's under \$50.00 it should be \$1.00 and if it's over \$50.00 it should be \$2.00,  
137 if it's over \$100.00 it should be \$3.00, and so on. Campo stated that he will move forward  
138 with that suggestion.

139

140 Town Manger Malaguti gave an update on the Lions Hall and the maintenance required.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

141 Malaguti stated that after discussion with the Lions Hall, they concluded that it's a big ask  
142 for the Lions to fund the maintenance costs while still achieving their charitable goals.  
143 Malaguti stated that the Lions have been good stewards of the building and taken care of  
144 major repairs in the past. Malaguti asked the Council to think about the Lions Hall  
145 becoming a town building. This would be one possible solution. It is an important  
146 historical structure. The Council told Malaguti to look at what the maintenance costs  
147 would be and what all options are.

148

149 The Council discussed the veterans' tax exemption information Malaguti presented. See  
150 attached document.

151

152 Town Manager Malaguti gave his Town Manager report. The Town Manager reports can  
153 be found on the town's website under the Town Council page.

154

### APPROVAL OF MINUTES

156

157 Motion to approve the Town Council minutes from March 28, 2022 made by Vice  
158 Chairman Green. Councilor Paul pointed out that on line eight-six, it says Jim is on ZBA  
159 and it should be that Jim stays on Heritage and Deb goes back to ZBA because she can't  
160 be on both Heritage and Planning. (Note, the minutes are an accurate reflection of the  
161 discussion and result of the March 28, 2022 meeting, but the assignments needed to be  
162 changed after the meeting.) Motion to approve the amended minutes made by Councilor  
163 Green and seconded by Councilor Paul. Chair votes; motion carries 5-0-0.

164

### APPOINTMENT/RE-APPOINTMENT/RESIGNATIONS

166

167 Motion to accept the resignation of Kevin Foley from the Energy Efficiency Task Force  
168 made by Vice Chairman Green and seconded by Councilor Paul. Chair votes; motion  
169 carries 5-0-0.

170

### ADJOURNMENT

172

173 Motion to adjourn made by Vice Chairman Green and second by Councilor Franz. Chair  
174 votes; motion carries 5-0-0.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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175

176 Notes and Tapes by: Kirby Brown Date: 4/11/2022

177 Minutes Typed by: Kirby Brown Date: 4/14/2022

178 Approved by: Town Council Date: 4/18/2022



**CHIEF OF POLICE**  
WILLIAM RYAN HART, JR.

**DEPUTY CHIEF**  
KIM A. BERNARD - OPERATIONS

**DIVISION CAPTAINS**  
PATRICK L. CHEETHAM - SERVICES  
MARK P. MORRISON - PROF. STANDARDS  
TIMOTHY C. O'DONAGHUE - AIRPORT

## LPD Goals for calendar year 2022

- 1.) Continued budget prudence, with an ancillary goal of fully funding several line items, specifically, but not limited to Maintenance and Repairs under Services, funded at \$18,700, routinely over-expended over the last 18 years; IT generally; Vehicle Repairs, also under Services: funded at \$4000.00, expended at well over 2000%.
- 2.) Recruiting and retention: This is a problem compounded by the changing (diminished) landscape for recruiting new officers. It is tougher and tougher to find well-qualified, motivated officers. And, for the first time in over thirty-five years, officers (three this year) are leaving LPD before they are retirement eligible for often higher-paying private sector employment.
- 3.) Maintain CALEA, the Office of Professional Standards, and its best practices model.



***Londonderry Finance Department***  
***268 B Mammoth Road***  
***Londonderry, NH 03053***  
***(603) 432-1100***



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Justin W. Campo Finance Director  
email: [JCampo@LondonderryNH.org](mailto:JCampo@LondonderryNH.org)

Erin Newnan, Finance Administrator  
Email: [ENewnan@LondonderryNH.org](mailto:ENewnan@LondonderryNH.org)

Sally Faucher, Accounts Payable Clerk  
email: [SFaucher@LondonderryNH.org](mailto:SFaucher@LondonderryNH.org)

Amanda Longo, Payroll Clerk  
email: [ALongo@LondonderryNH.org](mailto:ALongo@LondonderryNH.org)

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April 11, 2022

**To:** Londonderry Town Council  
**From:** Justin W. Campo, Director of Finance  
**Subject:** Finance Department's Goals

It has been requested that the Finance Department review department goals for presentation to the Town Council and general public. It is important to understand that the Finance department serves the Town in a different capacity than other Town departments. The Finance department supports all other departments to assist them in achieving their department goals and ensuring that they are doing so in a way that is in the best interest financially for the Town of Londonderry.

The Finance department's main goal and purpose is to maintain the financial resources that the citizens/taxpayers of Londonderry entrust to the Town, and to ensure the financial health of the Town not only in the current fiscal year, but look to ensure the financial health of the Town of Londonderry for the years to come. The Finance department handles the financial resources of the Town and works to remain in compliance with all state, federal, and local laws, the standard put forward by the Governmental Accounting Standards Board (GASB), and the Generally Accepted Accounting Principles (GAAP). This is the main goal/requirement of the Finance department and the one that matters the most.

Though that is the Finance department's main goal and purpose, along with assisting other departments, there are additional goals that the Finance department hopes to work towards in the next 1-3 years which I will lay out below through bullet points on the following pages.

**Town's Unassigned Fund Balance Level**

- Work towards rebuilding the Town's fund balance level
  - Though the balance follows the current Town policy on fund balance retention, the current unassigned fund balance level is not within the guideline recommendations

set forth by the Department of Revenue (DRA) or Government Finance Officer Association (GFOA).

- With possible or even probable recession on the horizon, rebuilding the Town's Unassigned Fund balance level will assist in maintaining cash flow for daily operations of the town. It will also assist in providing the Town with investment revenue which will lower the tax rate on an annual recurring basis.
- In the upcoming years, several bonds have the potential to be refinanced. If the Town were to determine it is beneficial to refinance a bond, then utilizing fund balance to lower the amount due on the refinanced bond would not only lower the tax rate for one year, but for the entirety of the bond.

### **Town's Fiscal Year Budget**

- As part of the next budget cycle, determine whether adjustments are needed so that personnel and non-personnel lines reflect more accurately reflect not only desired, but likely, spending.
- Keep improving communication with residents.
  - I constantly encourage residents to call my office to discuss any questions they may have regarding the budget (or any other Town financial matters). I feel it is important for the Finance department to be able to help residents understand the budgeting process and feel comfortable enough to call and ask any questions they may have. This helps provide them with accurate information, instead of what someone may have misunderstood online.
  - Residents reaching out to the Finance department has allowed for different insights into the budget documents that are made available. This insight will often lead to adjustments to the document that benefit the public that I may not have thought of on my own.

### **Additional Part-Time Staffing**

- The Finance department currently operates with 3.5 positions (the Payroll Clerk is split with Human Resources). In comparison, Salem has 7.5, while Merrimack and Derry each have 5.
- An additional part-time employee would allow us to lower the town's risk assessment as it will allow for additional segregation of duties within the Finance department that is not currently possible.
- Federal funding and grants have caused a large increase in additional work that because of time consuming compliance requirements. Every grant that is received has various reporting requirements and deadlines that are required to be met. An additional part time employee would assist in being able to ensure all the grants remain in compliance, with the hope that they will be able to assist in obtaining and maintaining additional grants for the Town going forward.

- The Town Council has emphasized the desire to obtain grants to help with providing the highest level of services possible to the residents while limiting the tax impact some of the projects could have. When I started with the Town in fiscal year 2016 the town received around \$97,600 in federal funds and additional grants. Through the end of March of the current fiscal year, the Town has received around \$1,672,821 in federal funds and additional grants.

**Veterans' Tax Credit RSA 72:28**

<i>Current # of Credits: 811</i>		
Credit	Estimated Cost	Estimated Tax Impact
\$ 500.00	\$ 405,500.00	\$ 0.081
\$ 525.00	\$ 425,775.00	\$ 0.085
\$ 550.00	\$ 446,050.00	\$ 0.089
\$ 575.00	\$ 466,325.00	\$ 0.093
\$ 600.00	\$ 486,600.00	\$ 0.097
\$ 625.00	\$ 506,875.00	\$ 0.101
\$ 650.00	\$ 527,150.00	\$ 0.105
\$ 675.00	\$ 547,425.00	\$ 0.109
\$ 700.00	\$ 567,700.00	\$ 0.114
\$ 725.00	\$ 587,975.00	\$ 0.118
\$ 750.00	\$ 608,250.00	\$ 0.122

**All Veterans' Tax Credit RSA 72:28-b**

<i>Current # of Credits: 113</i>		
Credit	Estimated Cost	Estimated Tax Impact
\$ 500.00	\$ 56,500.00	\$ 0.011
\$ 525.00	\$ 59,325.00	\$ 0.012
\$ 550.00	\$ 62,150.00	\$ 0.012
\$ 575.00	\$ 64,975.00	\$ 0.013
\$ 600.00	\$ 67,800.00	\$ 0.014
\$ 625.00	\$ 70,625.00	\$ 0.014
\$ 650.00	\$ 73,450.00	\$ 0.015
\$ 675.00	\$ 76,275.00	\$ 0.015
\$ 700.00	\$ 79,100.00	\$ 0.016
\$ 725.00	\$ 81,925.00	\$ 0.016
\$ 750.00	\$ 84,750.00	\$ 0.017

**Combined - Veterans' Tax Credit**

Credit	Combined Estimated Cost	Estimated Tax Impact
\$ 500.00	\$ 462,000.00	\$ 0.092
\$ 525.00	\$ 485,100.00	\$ 0.097
\$ 550.00	\$ 508,200.00	\$ 0.102
\$ 575.00	\$ 531,300.00	\$ 0.106
\$ 600.00	\$ 554,400.00	\$ 0.111
\$ 625.00	\$ 577,500.00	\$ 0.116
\$ 650.00	\$ 600,600.00	\$ 0.120
\$ 675.00	\$ 623,700.00	\$ 0.125
\$ 700.00	\$ 646,800.00	\$ 0.129
\$ 725.00	\$ 669,900.00	\$ 0.134
\$ 750.00	\$ 693,000.00	\$ 0.139

*\* These are estimates based on the current information available. These figures are based on the 2021 MS-1 information and use the number of credits requested and the Town valuation from that form. The change of these numbers would impact the estimated tax impact either positively or negatively depending on what change occurs.*

*The current Tax Credit is \$500.*

*These calculation are for the credits mentioned above and do not include the Tax Credit for Service - Connected Total Disability RSA 72:35.*