

TOWN COUNCIL AGENDA
July 21, 2014
7:00 P.M.

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM

A. CALL TO ORDER

B. PUBLIC COMMENT

1. **Candidate for Congress Frank Guinta**
2. **Candidate for County Attorney Michael Di Croce**
3. **Mike Speltz – Conservation Commission**

C. PUBLIC HEARING

1. **Continuation of Public Hearing on Nevins Walking Trail
Resolution #2013-13**
2. **Community Development Block Grant (CDBG) Application for
Economic Development Funding: Airport Area Infrastructure Investment
(To follow Town Manager's update on Pettengill Road Development)
Presented by Stu Arnette**

D. OLD BUSINESS

E. NEW BUSINESS

1. **Order #2014-16 – Expendable Maintenance Trust Fund for Various
Projects
Presented by Kevin Smith**
2. **Reappointment of Health Officer
Richard Canuel**
3. **Renewal of Junkyard License
Hills Savage Junkyard**
4. **Ordinance #2014-04 – An Amendment to the Municipal Code Relating
to Nepotism and Conflicts of Interest (1st Reading)
Presented by Councilor Tom Freda**

F. APPROVAL OF MINUTES

Approval of June 16, 2014 Town Council Minutes

G. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
3. Board/Committee Appointments/Reappointments
 1. Interviews of Candidates for Planning Board Alternate
 2. Resignation of Maria Newman from the Planning Board
 3. Appointment of Dan Root to Londonderry Housing and Redevelopment Authority

H. ADJOURNMENT

I. MEETING SCHEDULE

1. Town Council Meeting – **8/11/14** Moose Hill Council Chambers, 7:00PM
2. Town Council Meeting – **09/01/14** Moose Hill Council Chambers, 7:00PM
3. Town Council Meeting – **09/15/14** Moose Hill Council Chambers, 7:00PM
4. Town Council Meeting – **10/06/14** Moose Hill Council Chambers, 7:00PM

RESOLUTION 2013-13

A Resolution Relative to the

DISCONTINUANCE & RELEASE FROM PUBLIC SERVITUDE OF THE WALKING TRAIL LOCATED IN THE NEVINS COOPERATIVE COMMUNITY AND RELEASE OF EASEMENT RIGHTS TO SAID TRAIL

First Reading: 08/19/13

Second Reading/Public Hearing: 09/09/13

Public Hearing Continued to: 10/07/13

Public Hearing Tabled on: 10/07/13

Public Hearing Tabled on: 03/20/14

Adopted: xx/xx/14

WHEREAS

the Town Council has received a petition to discharge and release the public rights in and to the walking trail (hereinafter the "Walking Trail") located on Map 7, Lot 122, 2 Wesley Drive, Londonderry, New Hampshire, as described as "Trails Property" in Article VIII of that certain "Open Space/Conservation Easement and Declaration of Restrictive Covenants" (the "Declaration") declared and made by and between Gilcreast Realty Holdings, LLC and Gilcreast Realty Holdings II, LLC as the Declarant, and the Town of Londonderry, dated September 15, 2003, and recorded at Book 4150, Page 0133 of the Rockingham County Registry of Deeds; and

WHEREAS

the Board of Directors of The Nevins Retirement Community ("NRC") Association requested Gilcreast Realty Holdings II, LLC to join with it in application to the Planning Board for an amendment to the Site Plan to remove the Walking Trail from the approved Site Plan. Approval was granted for this action by the Planning Board on June 5, 2013;

WHEREAS

during its consideration of the matter the Town Council became aware that three (3) units within NRC, being Units 22, 23 and 31 have been constructed within the area of the Easement;

WHEREAS

the Town Council, believes it is in the best interest of the Town to allow the site plan for NRC to be amended as approved by the Planning Board, release Gilcreast and the association of unit owners of NRC from any obligation to construct the walking trail within the Easement, to release any and all rights the Town may have to construct any improvements within the Easement and to consent to the existing encroachment by structures within the Easement; however, the Town desires to retain ownership interests in the area

of the Easement and seeks compensation for its release of rights and consent to encroachments; and

WHEREAS

Gilcreast is willing to contribute the sum of Thirty-five Thousand and 00/100 Dollars (\$35,000.00) to the Town as full and final consideration for the release by the Town of all obligations of Gilcreast or its successors in interest as the developer of NRC, including the association of homeowners of NRC, release by the Town of the Town's rights to construct such improvements within the Easement and consent by the Town to the encroachments existing within the Easement for Units 22, 23 and 31.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town of Londonderry accept the sum of Thirty-five Thousand and 00/100 Dollars (\$35,000.00) to the Town as full and final consideration for the release by the Town of all obligations of Gilcreast or its successors in interest as the developer of the Nevins Retirement Community, including the association of homeowners of NRC, release by the Town of the Town's rights to construct such improvements within the Easement, including the Walking Trail, and consent by the Town to the encroachments existing within the Easement for Units 22, 23 and 31. These funds shall be placed in an account dedicated to the improvement, construction, and enhancement of new or existing neighborhood trails.

Tom Dolan, Chairman
Town Council

(TOWN SEAL)

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:

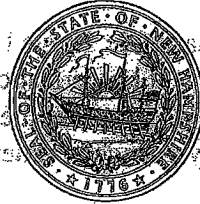
Adopted xx/xx/14

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



June 19, 2014

Morgan A. Hollis, Esquire
Gottesman & Hollis, PA
39 East Pearl Street
Nashua, NH 03060-3407

Re: Nevins Retirement/Gilcreast Realty Holdings Modification
to Walking Trail

Dear Attorney Hollis:

Thank you for your letter and enclosures of April 24, 2014 relative to the above-captioned transaction.

We reviewed the documentation included with your letter as well as information provided to this office by Mr. Speltz pertaining to the Nevins Retirement/Gilcreast property walking trail and the conservation easement issues.

The documents show the proposed amendment to the easement presented in this case has been the subject of extensive negotiations between the Town of Londonderry and Gilcreast Realty Holdings. The outcome of these discussions included a series of public hearings held by the Londonderry Town Council, the drafting of an amendment to the original plan removing the walking trail which has been approved by the Londonderry Planning Board, and the agreement by Gilcreast to pay the Town of Londonderry the sum of \$19,200.00 representing the estimated cost of constructing the walking trail, as well as an additional \$15,800.00 for minor encroachments of three homes within the easement area.

Because this transaction has been subject to an exhaustive municipal process, including public hearings, compensation, and approvals by the planning board, it does not make sense, from a practical standpoint, to revisit the entire process today since the outcome of a review by this office would, in all likelihood, reach the same conclusion.

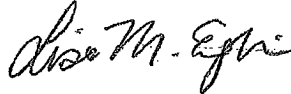
JUN 23 2014

CV:

The decision reached by the Charitable Trusts Unit in this specific case, however, does not diminish the responsibility of easement holders, including towns and cities, to inform the attorney general of proposed amendments to and/or the extinguishment of conservation easements prior to the enactment of any change or amendment.

If you have any questions please do not hesitate to contact me.

Very truly yours,



Lisa M. English, Director
Charitable Trusts Unit
(603) 271-3591
Direct Fax: (603) 223-6221
lisa.english@doj.nh.gov

cc: Attorney Michael Ramsdell
Nevins Retirement Cooperative Community
Michael J. Speltz

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PUBLIC HEARING

Chairman Farrell made a joke regarding the public audience and the Nevins Trail.

Chairman Farrell stated that the first reading for the Nevins has been completed. Chairman Farrell asked for a motion to wave the meeting and move right into public hearing. Councilor Green motioned, Councilor Freda second. Chair votes 5-0-0.

Chairman Farrell asked the Council if there was any further comment from them before we let the public speak. Chairman Farrell asked the audience if they had a spokesperson.

Attorney Gottesman and Hollis, P.A., an attorney in Nashua, Morgan Hollis spoke on behalf of the people. Hollis stated he represents the association and the developer. Hollis stated that he would lay out the request and why he is there. This matter arises out of a request by residence of the Nevins. Hollis stated that the Nevins is a cooperative and a different type of residential community from a legal structure perspective. The land on which the buildings are located is leased out to owners who than construct a home on the leased land. Hollis stated that the land is owned in a cooperative and that each home owner owns a percentage of interest. In this case there are 128 owners and each owner's percentage interest in the land itself and that land is leased to them as owners. Hollis stated that at time of approval it was determined that they would have an amenity to the project a walking trail. Hollis stated the walking trail would go around the perimeter of the property. There are several places it cuts into the public roads so people could access the trail. Hollis stated that during eh course of the Planning Board negotiations it was designated on the plan as a Walking Trail Easement and it became public. Hollis stated that there was a Walking Trail Easement deed granted by the developer to the town and recorded in the registry for a 25 ft. wide Walking Trail Easement throughout the project.

Hollis stated that the trail was for both the residence and the public. He stated that the trail doesn't lead to anywhere. It begins at one end and goes around the perimeter and ends at the other end. Hollis shared that in his experience what has happened is that many residence have concern about these Walking Trail Easements in particular if they are open to the public. Hollis stated that people are nervous about the lack of space between the easement and the homes. Hollis stated that the second concern is that when the trail was laid out it was a two dimensional layout. The residence asked the developer if he would consider not building it once the construction of it was final and ready to move forward. Hollis stated the only way to do that is t put together a presentation and go to Planning Board and ask to amend the site plan. Hollis stated that that has been done by the residence. Hollis shared that there were also two informal meetings with the Board of Directors where the vote was unanimous and the second instance was near unanimous. The Board of Directors presented it to the Planning Board and the Planning Board approved it so that the site plan could be amended. Hollis stated that it doesn't resolve the issue. It has been decded by a Walking Trail Easement deed to the town and referenced in an open space Conservation Easement and Declaration of Restrictive Convenience which is of record. In that particular document the developer granted an open space conservation area Walking Trail Easement. Hollis stated that those are two grants of easement rights to the municipality and if the Walking Trail Easement is to come off the plan the only way to make it

83 meaningful is to have the municipality release its rights so that the public rights in that easement
84 would be released off.

85
86 Hollis stated that he worked with the Town staff to bring forth a petition to bring to the Council for a
87 resolution.

88
89 Hollis stated that there has been discussion at the first reading, Chairman Farrell raised the question is
90 this 'hand in glove' with the acquisition of development rights for the 'Orchard Lot'. Hollis clarified
91 that Chairman Farrell is correct. Hollis stated the Declaration of Convenience and Restrictions which
92 is recorded in 2003 there is a reference to the 'Orchard Lot Development Rights' being sold,
93 reference to open space lots, open space in the Nevins not to be developed but not open to the public
94 and then a reference to the Walking Trail Easement. All three are referenced in there. Hollis stated the
95 best he can determine, while they're 'hand in glove' you can only look at the map and see the
96 walking trail does not connect in any fashion or any remoteness to the Orchard Lot. The trail was
97 never intended to go in that direction. The Orchard Lot, Hollis stated, was a prime development lot
98 and it was high and dry and good soils. Hollis read what the preface is:

99
1 "The Town desires to limit the amount of development that can occur on the property and the
2 developers are willing to restrict their rights to fully develop the property and the town is willing to
3 compensate the developer for their restriction of a portion of such development."

03
4 Hollis stated that is what happened. Hollis stated the development rights were purchased for a set sum
5 of money and that money was paid and the development rights were granted. Hollis stated he found
6 no evidence that either documents were linked or as Chairman Farrell requested that public funds
7 were expended to acquire those. Hollis stated that they appeared to be separate actions. Hollis stated
8 that that is all he can report. Hollis stated that based his experience it tells him that sum of money is
9 based on an appraisal of lost development rights and a Walking Trail Easement has no lost
10 development rights so that would not be in that appraisal process. Hollis did not have the documents
11 present but he had confirmed with the town.

12
13 Hollis stated that in the petition they are here to ask for the town to release its rights on the Walking
14 Trail Easement which is identified in both the Easement Deed at book 4279 page 544 of the registry
15 and to release the public rights of the town as set forth in the Conservation/Open Space Easement for
16 trails on the lot, in article 8 of the Open Space Easement and Declaration of Restrictive Convenience.

17 Hollis stated article 17 section 17.1 which stated in part the town, 'By appropriate town vote may
18 amend or revoke the restrictive convenience in part or in their entirety, which amendment or
19 revocation shall be effective upon recordation in the Rockingham County Registry of Deeds.'

20
21 Hollis stated again that the Councils vote tonight would be to release the rights as the resolution states
22 and that would cause an amendment to be filed with regard to just the walking trail and the public
23 rights in the walking trail. Hollis stated that there is no alternative plan for the use of the property.

24
25 Chairman Farrell stepped in and asked Councilor Freda if he was on Planning Board when this went
26 through. Councilor Freda clarified that he wasn't when the Nevins took place. Councilor Freda stated
27 that he was present when they brought it to the town of a bound for 2.9 million. Chairman Farrell

28 stated that he was present when the Nevins took place. Chairman Farrell stated that it is a different
29 developer now. Chairman Farrell stated that back in the early 2000's a developer by name of Elmer
30 Pease brought a development to the town and was going to build several hundred residential homes.

31 The town said that they would like to work with Elmer Pease on this but they would like to build
32 something smaller, which is the Nevins now, and that there was a town vote for 2.9 million to buy the
33 rest of the land, which the residence now pay for in their taxes. Chairman Farrell stated that the
34 Council wants to make sure they do the right thing. He clarified that the Council does not know what
35 they're going to do. Chairman Farrell stated that the Council is asking a lot of questions so that they
36 can understand what the right thing to do is. The Council opened up for questions.

37
38 Councilor Freda referred to the section that Hollis had read 171 and asked if that was a part of the
39 Town Charter. Hollis stated that it is not and that it is 171 of the Open Space Conservation Easement
40 document, which is the document in which the Walking Trail is preserved as open space. Councilor
41 Freda stated that Hollis had mentioned that it required a vote of the town. Hollis answered with yes.

42 Councilor Freda stated that he is wondering if it is the Council or the voters at the town meeting.
43 Hollis stated that in his opinion it is the Town Council because under the Town Charter and under the
44 prevision, the Town Council is charged with these duties and responsibly. Councilor Freda stated that
45 it is because its property we own and the Council can dispose of it. Hollis stated that that is correct.

46
47 Councilor Butler asked Hollis that he had mentioned that the trail was close to the buildings and the
48 houses. Councilor Butler asked if it was 60 ft., 10 ft., how much. Cynthia May, the Town Planner
49 stated that it is 15 ft. in some cases.

50
51 Bill Marineau, 41 Morrison Rd Londonderry stated that he has the complete site plan for an
52 individual home which shows the easement of the walking trail going through two bathrooms and a
53 bedroom. Maranel also stated that it's a 25 foot into away. The plan shows the trail as 8 ft. wide.
54 Maranel stated that the 8 ft. wide walking trail, which they were going to build with mulch, is actually
55 2 ft. from the side of the house but the easement goes into the house.

56
57 Councilor Green stated to summarize that we had this property come up for development, the
58 Planning Board thought it was a good idea to have an easement through it. Council Green stated that
59 right now it's not being used. Councilor Green stated that the problem he has is that there's different
60 boards making these decisions and the Council is almost asked to say that a board was incorrect given
61 this easement. Councilor Green stated that he would like to know how to do that. The Planning Board
62 of today said that they agree that it should be released. Chairman Farrell stated that the problem with
63 this one is that it has history. The community went through a period of time where they were trying to
64 connect walking trails to everything throughout the entire town. Chairman Farrell said the purpose
65 was for the walking trail to connect to Home Depot so you could walk to the stores. Chairman Farrell
66 stated that the Council has received phone calls and emails that there are people that live in the
67 Nevins that disagree with the position of removing the walking trails.

68
69 Council Green stated that they've heard there are not plans and a little controversy that there are
70 plans.

71
72 Vice Chairman Dolan stated that he has heard feedback from some of the residence in the
73 development that representations were made to them as they were in the process of looking ot buy,

74 that the walking trail had been discontinued or had been disapproved. Vice Chairman Dolan asked the
75 residence present at the meeting if those terms were presented to them when buying their homes.
76

77 Bob Maxwell, 25 Morrison Drive, Londonderry, stated that he bought his property in November of
78 2011 and that he was told at that time that yes there were some drawings that showed a walking trail
79 but it would never be built and it was never used as a reason why people should buy. Maxwell stated
80 that he lives in one of the homes where the walking trail would be 18 ft. behind his patio.
81

82 Vice Chairman Dolan asked Maxwell if it was a realtor who made that representation. Maxwell stated
83 that it was the sales office and they said that the trails would never be built.
84

85 Chairman Farrell asked the Council if they had anything further. Chairman Farrell opened up the
86 floor to the public to make a statement.
87

88 Attorney Hollis clarified the question raised by Vice Chairman Dolan stating that he is aware that
89 representatives of the sales staff have made that statement but the process started in 2009 when there
90 was a vote, anonymous vote, there had been actions started before the Planning Board. Hollis stated
91 that it wasn't out of the blue that someone was making those accusations. Hollis clarified that he is
92 not saying it was right or wrong but he wanted to give some background to that information.
93

94 Vice Chairman Dolan asked Hollis how you reconcile that with someone who has laid out their life
95 savings and now have had the misrepresented to them. Hollis stated that he would have to determine
96 what was exactly said. Hollis stated that each case is going to be on its own as to what was said.
97

98 Hollis stated each case has to sit on its own facts as to what was and wasn't said.
99

00 Councilor Green stated that with developments of this size and magnitude, a lot of the times open
01 space is set aside or a buffer zone. Councilor Green asked if this was any part of the agreement.
02

03 Chairman Farrell stated that he doesn't believe this one did because the 2.9 million had to go to a
04 special election and it was all handled and the other pieces were left out. There are more pieces in
05 regards to sewers and fees, but not about open space.
06

07 Councilor Butler stated that the easement went through a gentlemen's bathroom. Councilor Butler
08 stated that he is curious as to how the banks let that happen and what happens to the gentlemen if this
09 is not reversed and he goes to sell his property knowing that the easement is in his bathroom.
10

11 Hollis stated that it was a hard question for him to answer as a matter of law. Hollis stated there may
12 be consequences to it and the easement might have to be moved. Hollis stated that we might have to
13 lay it out again and come forward with an amendment to the site plan. Again the easement is 25 ft.
14 and you can locate the path from anywhere within the 25 ft. Hollis stated theoretically there's room
15 outside the house where it could be. Hollis stated that he can't explain how or why it happened.
16 Hollis stated in response to the question of Councilor Green, as best as he can describe it the first step
17 is to go to the Planning Board, can the site plan be amended. If the Planning Board believes based on
the criteria that it has in front of it and what it views appropriate to allow an amendment. They made

18 it clear in their vote that they have no jurisdiction about giving up the public rights. That is not within
19 their domain. Hollis stated that it's covered under the Charter and the State Statue which says any
20 town in which the legislative authority is given to a Town Council that Town Council has
21 responsibility for all such matters. Hollis stated to the Council that they decide on the giving up of
22 public rights.

23
24 Vice Chairman Dolan stated that the home owner who has the easement through part of his home, he
25 asked Hollis if he agrees that it's the responsibility of the builder not to build homes in the middle of
26 a public easement. Hollis stated no question.

27
28 Councilor Freda stated that there were two votes by the residence and one was anonymous, what was
29 the percentage of participants in that vote. Hollis answered stating it would be better to ask the
30 president of the Board who conducted both of those. Hollis stated that he is present tonight.

31
32 Chairman Farrell called up the representative. John Mitchell, 4 Wesley Drive Londonderry, stated
33 that he has been on the Residence Advisory Board for three years. He is not the President of the
34 Board. Mitchell stated that when he moved into the community the development was half finished.
35 Mitchell stated that he is now on the board of directors and there are three other members at the
36 meeting tonight. Mitchell shared that a lot of the people that have bought since he has lived there
37 which is half of the residence, were told there would not be a walking trail. There's another element
38 causing confusion and even people who thought there would be a walking trail thought it was going
39 to be a private walking trail only available to the residence. A lot of the residence said that would be
40 in favor if it was a private trail for the community and not a public trail. Mitchell asked where would
41 people park. Mitchell stated that a major concern was the fact that some residences aren't home for
42 three months out of the year and there would be a trail in their back yard while they're not home.

43 Mitchell stated that once the residence found out it was public, it was presented as a public trail.
44 Chairman Farrell asked how many board members in total. Mitchell stated five. Mitchell said it was a
45 community vote, and a meeting that was attended by 60-70% of the residence. It happens every 2-3
46 months. Mitchell stated the first meeting there was a show of hands and it was unanimous, 100%
47 said they did not want the trail. They asked for a show of hands who would want the hands and no one
48 raised their hands. Mitchell stated at the second meeting there was more discussion about the public
49 vs. private aspect of it. They had a show of hands, three people said they would still like a walking
50 trail and the other 50 people said they still didn't want it.

51
52 Chairman Farrell stated that the Council and Town Managers office received e-mails and phone calls
53 from people who are not present. Chairman Farrell stated he received a phone call from a female who
54 didn't leave her name and that the Council was told there are people in the community who feel they
55 are being intimidated around the walking trail piece. Chairman Farrell stated that the Council takes it
56 very seriously. Chairman Farrell shared that they are getting 30-50 residence who want the walking
57 trail, private and/or public.

58
59 [Crowd discussed among one another]

60
61 Jack O'Connell, 6 Wesley Dr. stated that he moved into the Nevins in 2006 and he is not on the
62 current Board of Directors but up until a month ago he served from 2009-2013 on the Board of
63 Directors and the Residence Board. O'Connell brought his notes from the planning board. He stated

64 that he doesn't understand the intimidation and the meetings they have are very open and people are
65 offered the opportunity to speak. Chairman Farrell stated that the Council only knows what they get.

66 O'Connell stated that in the early days, 2009, there was a lot of early discussion that the trail
67 shouldn't be built, because of how close it is to people's back doors. In 2009 there were regular
68 residence meetings run by the sales team. There was a lot of discussion about the walking trail at
69 those meetings and in 2009 there was a paper ballot vote of all the households, 60-70 homes. The
70 actually vote count as to if the residence want the trail or not it was 42 to nothing out of the 60-70
71 homes at that time. O'Connell stated that they had a special meeting devoted to discussion about the
72 walking trail. There were about 40-50 residence at that meeting: At the time 100 homes. When asked
73 at the end of the meeting who was in favor, not one hand went up. O'Connell stated later on in the
74 month they had a meeting on another option that came up of relocating the trail. O'Connell stated on
75 April 15th there was a second meeting that was open to everybody. At that meeting they invited Joe
76 Maynard from Benchmark Engineering who drew the trail and knew the layout. Maynard was able to
77 show that the trail is 15 ft. from everyone's back door as well as being right up against all the
78 wetlands. O'Connell shared that when it came up about relocating the trail; there are wetlands
79 everywhere so you couldn't relocate the trail. Maynard shared with the residence that relocating
80 wasn't a realistic option. O'Connell shared only 3 out of the 80 people raised their hands in favor of
81 it. He stated again the he doesn't understand the intimidation.

82
83 Chairman Farrell stated the Council represents all people and thanked O'Connell for his statement.

84
85 Councilor Green asked to pull up a subdivision map and pointed out the trail.

86
87 Hollis stated that just so the Council has in its mind, the property is governed by a Board of Directors
88 there are a set of bylaws that each member has to abide by and the typical bylaws provide for
89 management for all of the property by the Board of Directors, as opposed to one vote each person
90 having a right. Hollis stated that he wanted to make sure the Board of Directors had their meetings,
91 conducted their investigation and determine what they felt was appropriate for the association as a
92 whole. Hollis stated that the Council has to look at what the public wants. People who own a 128th
93 interest are governed by the bylaws and that's different than giving up their public rights by
94 becoming a part of this public association.

95
96 William Graser, 3 Bayers Range Rd., stated that he wanted to comment on the access to the trail and
97 where it comes in from. He stated there's another area that impacts the Nevins. [He pointed out the
98 area on the map]...Phase one and the end of the road exits from Capital and Constitution Condos.
99 Graser stated he lives in the third house to the right, right by the guardrail and where the wetlands are.

1 The access point is the other end of the guardrail. Graser stated that his view is that his home is
2 situated in such a way that the sidewalk is on his side of the street. Anyone accessing or exiting the
3 trail has to come by his house. Graser stated he is the senior resident there and that he moved in
4 October of 2005. There were just a handful of homes when he moved in. Graser stated when he first
5 bought there it was a different realtor than the one who sold most of the development. ReMax in
6 Londonderry, with Mark Oswald. Graser stated when he realized there was a trail he was hoping it
7 would never be built.

07
8 Councilor Butler asked Graser if the Nevins roads were private roads. The crowd answered with yes,
9 they are private roads.

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Dara Lamone, 43 Morrison, stated she represents the other side and she just moved into the Nevins. Lamone believes that one of the accesses is right next to her home. There is 27 ft. between her house and the other house where the access will be and people would be walking right next to her bedroom.

[Council and audience discussed the map]

John Finn, 57 Morrison Dr. stated that he thinks that anonymously people portray actions of other residence in a manner that the Council has to say 'anonymously.' Finn stated that he believes it's unfortunate that the Council is in a situation where they get information anonymously. Finn stated that there was a petition that was going around that talked about the developer having built in moneys into the cost of the houses and that the residence would get rebates if the trail was not built. Finn stated it wasn't the sales office or the management of the developer and that it was someone who just showed up at his door. Finn stated where Nevins runs into Morrison, the way the houses are constructed is that the developer took into consideration how various rooms in the houses would be facing. Finn gave a couple of examples. Finn pointed out where the trail goes, around his neighborhood, on the map and stated from his patio to the woods is 20 ft. Finn stated that if the Council walked through the line they would see how devastating it is to the residence.

Chairman Farrell stated when they get evidence and emails it is circulated around the Council and the Police Chief and the Council asks the Police Chief to pull any records of calls that have been in the Nevins in the past 12 months. Police Chief Bill Hart clarified that it was actually three years.

Michael Smith, 32 Nevins Rd, stated that when he was present for the Planning Board, trail butters were present at the meeting as well and in the notes the did not want the trail either because it was running along their rock walls.

Oliver Ducharme, 6 Haley Court, stated he's lived at the Nevins since 2006. Ducharme stated he is not in favor of a public trail. It's private property and the money was raised privately. Ducharme stated that he is one of those people who bought early and was promised a walking trail. Ducharme stated that there was an approved site plan in the sales office. Ducharme stated that he believes the builder got twenty thousand dollars extra per lot because it was wooded lot. Ducharme stated the people who were promised this amenity are in a tough spot because of the builder. Ducharme stated that builder did what he wanted to do. Ducharme asked the Council if this is something they approve of. Chairman Farrell stated that the Council has no jurisdiction on what the builder does with the developer. The land use boards in New Hampshire are designed to be separate from the Town Council. Chairman Farrell stated it came to the Council because it was deeded as public land. Ducharme stated it is no surprise to the people where they were buying. Chairman Farrell stated there are strict laws around real-estate agents in the state of New Hampshire about saying things that aren't true but that is was outside the Town Council. Ducharme asked what is going to be done for the people that put their hard earned money down and paid for the amenity and now it may not happen. Ducharme stated that now that the builder has his money he should correct the situation for all.

Vice Chairman Dolan stated that it might be good to have a history lesson. Dolan stated back when the development was originally proposed the development was going to be about three times the size as what it is now without any age restriction so there would be a lot of children, which would have

56 flooded the schools and it would have made a bad situation worse. Dolan stated at the time he was on
57 the Town Council and they had went to the developer (who is no longer involved) and told him that
58 the development would put the community under duress. The Council asked the developer how they
59 can turn the dial down on the development and build fewer homes and age restrictions so there will
60 be no school impact. The Council still wanted to make it environmentally friendly with walking trails.

61 Dolan stated that the developer at the time said if he does it he will lose a lot of money that he was
62 going to make on the development. The Council had asked the developer how much. The developer
63 stated 2.9 million. Dolan stated that the Council suggested going to the voters to ask them for 2.9
64 million and they give it to the builder if he makes the community like what the Council suggested.

65 Dolan stated that the Developer agreed and so the Town held a special election. Dolan said it was
66 packaged that 95% of the residence voted for it to spend their 2.9 million to change the development
67 that is there now. Dolan stated one of the issues that the Council has to deal with is how to avoid
68 going back to the citizens who voted for it who paid 2.9 million and didn't get anything. Dolan stated
69 it's not just the residence who live there now who are dealing with this, but also the people who don't
70 live in the Nevins who paid almost three million dollars to get this package that is almost done. The

71 Council has to answer to them as well. Vice Chairman Dolan stated that there is a proposal to the
72 community to rebate back to the community a small portion of the 2.9 million which is about \$20,000
73 worth of construction cost. Vice Chairman Dolan stated that this involved the community as well
74 because they paid for a large part of the development. Dolan asked the people to think about that part
75 of the situation as they make comments.

76
77 Bill Malone, 43 Morrison, stated that he just moved into the Nevins at the end of June. Malone stated
78 one reason why he bought the property was because it backed up to the wood which is supposed to be
79 preserved. Malone never envisioned someone could be walking within 10 ft. of his patio while he is
80 BBQing. Malone was informed that is was a dead issue. Malone stated that he thinks it should be an
81 easy issue because a walking trail is only around nineteen thousand dollars of the 2.9 million. Malone
82 stated what the community got for the 2.9 million is not a walking trail, they got less burden on the
83 schools, fire and police. Malone stated that the walking trail is such a small piece and it should be a
84 no brainer.

85
86 Paul Murphy, 14 Morrison Dr. stated that he had the exact thought as Malone stated. Murphy stated
87 that he would like to ask the Chief of Police and the Fire Chief if they have got other new
88 developments that they want walking trails around. Chairman Farrell stated that it has been going on
89 since the earl 2000's. Murphy asked how is it working out for them, are there other situations where
90 there are walking trails this close to homes. Murphy asked if the Chief of Police had the statistics he
91 was going to share. Chairman Farrell stated that the information that was received form the Chief of
92 Police were call records for about 40 calls in 3 years and none of them have to do with walking trails.
93 Chairman Farrell stated where there's walking trails in the other areas, the analysis hasn't been done
94 yet but there's walking trails throughout Century Village. Farrell stated what they find that the Fire
95 Dept.'s calls continue to go up no matter what happens. Police continues to go up no matter what
96 happens. Farrell stated in some of the areas where there's walking trails, some have been removed
97 and things have to be thought out. Farrell stated that difference between the Nevins and all the other
98 ones is that there was a special election for 2.9 million dollars, and like the Attorney said, it went
99 'hand in glove'. Chairman Farrell stated to Murphy that he knows he pays taxes but the Council is
1 trying to figure it out. Murphy asked Farrell since he's concerned with the 2.9, has he thought back to
2 when they were going to build 200 homes, no age restrictions, what it would have cost for the support
3 of the streets, the fire calls, the more police and so much more. Chairman Farrell stated that they
4 haven't increased the amount of staff on the Police since 1992 and he doesn't know whether they

5 would have increased it or not. Chairman Farrell reminded the audience again that the Council is
6 trying to get to the middle. Murphy asked Chairman Farrell how long it's going to take the Council to
7 take a position. Chairman Farrell stated that the Council may vote tonight and it won't take much
8 longer. Murphy stated that last time he thought the decision was made. Murphy asked if the decision
9 is made against them, if there is an appeal process they can initiate. Chairman Farrell stated that they
10 can always bring it to court, but it's an expensive path. Chairman Farrell stated that it could also be
11 brought back to the Council with new information and ask the Council to look at it again.

12 Chairman Farrell stated that the Council is usually limited on how long they let people speak for at
13 meetings. Farrell stated that there are 128 homes and he knows how much tax revenue that is, that's
14 why the Council is allowing all to speak.

15
16 Vice Chairman Dolan stated that the Council is now deliberating so deliberately now is because when
17 the issues come up it is normally between the Council, the Planning Board and the people who have
18 an issue. Dolan stated that there is always a third party called 'the rest of the tax payers' who are
19 partnering in this decision, which the Council is trying to consider their aspect as well. Dolan stated
20 that the Council wants to be fair to them as well as give the Nevins residence a good solution. Dolan
21 stated that he has heard some bad things. Dolan stated that it's not that a walking trail is being put
22 close to the homes; it's that the homes were put too close to the walking trail. The walking trail on the
23 plan existed long before any homes were built. Dolan stated the builder had a responsibility not to
24 locate the homes too close to that walking trail. Dolan stated that there are probably some legality
25 issues with that. Dolan stated that it seems some residence have questions about misrepresentation by
26 the seller to the residence. Dolan stated that the Council will not handle that, it is a civil issue. Dolan
27 said the Council doesn't like when the developers put private structures on public land, or easement.
28 Dolan stated that it appears to be what happened in the Nevins.

29
30 Judy Braje, 61 Morrison Dr., stated that she thought it was a done deal as well. Braje referred to when
31 the Council mentioned the 30-50 e-mails that they received for the trail, she stated that the Council
32 needed to clarify that they are all individual people because she doesn't see how that could be
33 possible with all the people she knows, she can't think of more than one or two that have ever felt that
34 it should be done. Chairman Farrell stated that the e-mail and phone calls expressed that there were
35 20-50 people who wanted the trail and that they Council did not get 30-50 e-mails.

36
37 Councilor Green asked Attorney Hollis if anyone has thought about relocating the trail. Green stated
38 that there's a lot of open space to the right [referring to the map]. The audience stated that it's all
39 wetland. Attorney Hollis stated that it was the very first question he asked his client. Hollis stated that
40 at the Planning Board and what was referred to by the residence at a public meeting, there are no
41 places to relocate it due to steepness, wetlands or other unusable area. Councilor Green stated that
42 again, the Council is just trying to find a middle ground. Hollis stated that Councilor Dolan raised the
43 key element of a balance between what the public paid for, what was negotiated and what is now
44 occurring. Hollis stated that the Nevins is a private owned land controlled by a board of directors and
45 they have in the documents the right to more these amenities. Hollis stated that with the public rights
46 you are asking us/we, the board and the developer, are asking the town to give up some public rights,
47 but not for free. Hollis stated that they are willing to pay, whatever the cost that they have reached the
48 determination with the town; it would take to put in the trail, in order to have the town put the trail
49 somewhere else, where it would be more meaningful to the public. Hollis stated that there is no lose
50 to the town but a bargain. Hollis stated that it would cost approximately \$20,000 to contrast the trail.

51 Hollis stated this way the town would be getting more location and more trail and the public would
52 more likely use it since it won't be going through someone's house. Hollis stated that they are not
53 asking the public to wave off, they are asking for a release and exchange.
54

55 Elvio Delise, 6 Morrison Dr., stated that he was going to use that argument to Vice Chairman Dolan
56 they're paying back, a negotiation to pay back a portion of what was originally 2.9 million and that is
57 being negotiated right now. Chairman Farrell stated that there is a deal on the table. Vice Chairman
58 Dolan stated that on the Resolution the Council has before them does have in it \$19,200 to repay the
59 town for forgiveness of the trail.
60

61 Councilor Freda stated that one thing that Vice Chairman Dolan mentioned was that the rest of the
62 voters approved 2.9 million dollars to set this in motion. Freda stated that what is missing is that
63 people present in the room tonight are getting a disproportionate burden placed on them because their
64 homes are being used by members of the public. Councilor Freda stated that he thinks it would be
65 unfair for the Nevins people to deal with the general public walking through their back yards.
66 Councilor Freda said that the Council hasn't seen any members of the public at meetings other than
67 people from the Nevins complaining that their tax dollars were misappropriated.
68

69 Jack O'Connell, 6 Wesley Dr., stated again that within 5 ft. of the drawn trail it is all wetland. He
70 stated that he wished there was a color coated map to show the wetlands. At the open resident
71 meeting that they had the engineer for any of the residents to ask questions, but he indicated that there
72 is no room to relocate the trail and its all wetland and the only place is where it is. O'Connell stated
73 that when he moved in in 2006, the lower half was all woods. When they started moving the trees
74 there was a huge mountain of woodchips and he asked the sales office what they were for. The sales
75 office had told him it was for the walking trail. This was the time they started to have the resident
76 meetings on a monthly basis and there were a lot of negative opinions on it. This was back when it
77 was only 30 homes. O'Connell stated, the community didn't want the trail and it was the developer
78 who was listening, realized that the residence didn't want it. O'Connell stated that right now the
79 developer was responding to what the residence were asking back in 2009 and what they are
80 continuing to ask today. Vice Chairman Dolan stated his reference was more to the tax payers back in
81 2003 and the special election. The bait and switch was with them and not the residence. O'Connell
82 stated that he understood and the points the Council made and the people at the meeting is that the
83 vast majority of all the target goals of that site plan have been achieved. Vice Chairman Dolan agreed
84 that the trails are a small portion of the 2.9 million.
85

86 Oliver Ducharme, 6 Haley Court, stated that he wanted to respond to issues but Councilor Green and
87 Vice Chairman Dolan brought up about the trail being relocated and the negligence of the builder.
88 Ducharme stated like it was indicated, the trail was there first. Ducharme stated the builder clearly
89 built the way he wanted to build assuming the trail would go away. Ducharme stated that he agrees
90 that the Council should find middle ground and as indicated, 40 houses at \$20,000 upcharge per
91 house is \$400,000. Home Depot's built on wetlands. Ducharme asked if anyone seen a test and he
92 keeps hearing wetlands and stated that it is not that wet. He stated that maybe the builder should take
93 some of the \$400,000 that he took from people saying that this wouldn't happen and make everyone
94 happy. Ducharme stated no one wants the trail where it is, not even himself. Council Freda asked
95 Ducharme where he gets the \$20,000 per house. Ducharme stated that if the Council asks any of the
96 people present, they were charged \$20,000 per lot to have a wooded lot and were told the trail would
97 not be there.

98

99 Chairman Farrell stated that that was the last speaker on for this subject this evening and that we are
1 at the one hour mark. Chairman Farrell asked the Council what they would like to do. Councilor
2 Butler stated that the Council needs to take a real common sense approach to the problem and he
3 thinks that there are some faults on the developer and there may be some faults on the town side
4 through different boards. Councilor Butler stated that they are private roads and some of the trail goes
5 between houses and on the sidewalks. He's also been told that the trails go nowhere. Councilor Butler
6 stated that there would be a problem with parking and there is no place to park. He stated that it will
7 be a public safety concern if it's not taken in to consideration. Councilor Butler stated that he
8 wouldn't want a trail 15 ft. from his patio. Butler stated to Cynthia May that he knows that we have
9 \$19,000 sitting on the table as a possible resolution to this, but how did we get to the \$19,000.
10 Cynthia May stated that the initial developer, back in 2009, provided, through the department of
11 Public Works, an estimate of what it would cost to build the trail back than but didn't consider the
12 cost of constructing the two bridges and what it would cost to build a somewhat assessable foot
13 bridge over a lesser wetland area. May stated that DPW and herself looked at what the estimates
14 would bring. May stated that she talked to Bob Saur from the Trailways Committee to confirm the
15 cost. May stated that she designed trails for three years so she does have a background and based on
16 the type of trail it is, a clearing in the woods with woodchips, it's an inexpensive trail.

16

17 Vice Chairman Dolan stated he had a couple issues and that negotiating should be done in private.
18 Dolan motioned to continue the public hearing to the next Council meeting on October 7th. Councilor
19 Green second. Chair votes 5-0-0.

20

21 Chairman Farrell addressed the Proposed Hicks Purchase. Paul Nickerson, 7 Sparhawk stated that
22 he's a member of the Conservation Commission and the recently created Joint Negotiating
23 Committee, which was established by the Council to strengthen the acquisition program in
24 Londonderry. He will be presenting. Nickerson pointed out the map on the screen. Nickerson stated
25 that he came across the Hicks during one of his monitors excursions. Dan Hicks approached the
26 commission and said that he would like to sell Nickerson the land. Nickerson stated it was referred to
27 the Joint Negotiation Council as per the instructions the Council laid down. Nickerson stated that he
28 told Hicks that an appraisal needs to be conducted to make it a legitimate process, and they did.

29 Nickerson stated that the appraisal came back with the value of \$60,000, which is what Hicks had
30 originally quoted to them. Nickerson stated that in August once the appraisal was completed the Joint
31 Negotiating Committee recommended acquisition to the Conservation Commission and that was by
32 unanimous vote by all the members. On September 10th the Conservation Commission held a public
33 hearing and they voted to recommend acquisition to the Town Council and that is why he is present.

34 Nickerson stated that there were no public comments at the meeting. Nickerson stated that the
35 purchase and sales agreement has been signed by all the family members.

36

37 Chairman Farrell said looking at the contract there are some changes that need to be made to the
38 contract. Vice Chairman Dolan stated to Kevin Smith that on page 2 of 5, paragraph five, the words
39 'purchase the easement interest' should be changed to 'purchase the property interest' [referring to
40 the contract]. Dolan stated on page 5, one on the signature pages, Dolan stated he would like to take
41 the Conservation Commission off the signature page and put the Town Manager in place of them.
42 Vice Chairman Dolan stated that the Council was advised that only the Town Manager and Council
43 can sign contracts like that. The end results the same. Vice Chairman Dolan stated after the changes
44 are made, he is in favor of it. Councilor Green stated that as was promised, a couple years ago to be a

92 elected the Planning Board as the determining body, including the Zoning decisions. In the
93 agreement it says the 5 points of law the Zoning Board uses will be utilized by the
94 Planning Board. Freda told Speltz that he needs to be accurate with his comments. Freda
95 stated that if Speltz wants to amend the Charter about contracts over 3 years he can. Freda
96 stated GMO is still in effect in the Development Agreement. Chairman Farrell and
97 Councilor Green stated that at the last meeting the Town Manager was given direction to
98 look into amending the Charter with the Planning Board.
99

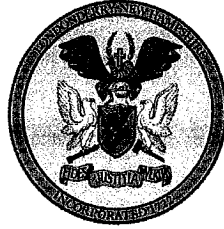
- 00 • Kent Allen gave a presentation about the cleanup of the town forest. Allen stated that he
01 made a presentation to the Heritage Commission and it was accepted by the group. Two
02 weeks later it was presented to the Conservation Commission which took exception to
03 everything except cleaning up a 2 ft. apron on the existing trail that was just put in. Kent
04 asked the Council who was in charge of this. Vice Chairman Dolan, liaison to the
05 Conservation Commission stated that they wanted to preserve the habitat of the species
06 that live in the fallen timbers.
07
- 08 • Chairman Farrell asked if an arborist look at it for an onion. Allen stated it would be a
09 good idea. Gene Harrington, V. Chair of the Conservation Commission, stated that there
10 was a tree stand analysis and a thinning cut a few years ago. Allen wanted to clear
11 everything under 3 inches in diameter out, which would take out future timber growth.
12 Conservation Commission told Allen he could clean up the new trail already created by
13 Trail Ways and along the roadway. Harrington stated Town Forester Charlie Moreno had
14 the same opinion. Harrington stated the difference between an arborist and a forester. An
15 arborist manages individual trees healthiness and a forester manages a forest. Councilor
16 Butler asked if Charlie has seen what Kent wants to propose. Allen stated that he hasn't.
17 Councilor Butler and Chairman Farrell both stated that they would like Kent and Charlie
18 to get together and come to an agreement.
19
- 20 • Councilor Butler stated it is unsure who has control over the town forest. Harrington
21 referred to the vote from the 1984 town meeting they gave it to the Conservation
22 Commission. The Heritage Commission gets to oversee what happens but the management
23 is Conservation Commission
24

25 PUBLIC HEARING

26 None

27 OLD BUSINESS

- 28 • The Council requested a continuation, at the request of the Nevins Attorney, of the Walking
29 Trail Easement, Nevins Trail. Attorney Hollis was present. Chairman Farrell stated that the
30 Planning Board extended agenda to January 31st and the groups are working behind the scenes
31 to get the answers to the questions the Council had. Vice Chairman Dolan motioned to table it
32 until a later meeting. Councilor Butler Second. Chair votes 5-0-0. Chairman Farrell stated to
33 Hollis that the Council will wait to hear from him.
34
35
36
37
38
39
40



Public Hearing Notice

Town of Londonderry NH

Community Development Block Grant Application

The Town of Londonderry NH Town Council will hold three consecutive public hearings on July 21st, 2014 at 7 pm in Moose Hill Council Chambers at Town Hall to hear public comments on a Community Development Block Grant (CDBG) for Economic Development, entitled Airport Area Infrastructure Investment (AII) being submitted to the New Hampshire Community Development Finance Authority (CDFA). Up to \$500,000 annually is available on a competitive basis for housing/public facilities, economic development and emergency activities that directly benefit low and moderate income persons. Up to \$12,000 is available for feasibility study grants. The proposal to be heard includes:

1. A proposed Economic Development grant for \$500,000 in CDBG funds. The funds will be used for the design and/or construction of needed public infrastructure, including road, water and sewer infrastructure in the airport area of Londonderry
2. Review and Adoption or Re-adoption of the Londonderry's Housing and Community Development Plan
3. Review and Adoption of the Londonderry Residential Anti-displacement and Relocation Plan.

Interested persons are invited to attend and comment on the project application and planning documents. Please contact the Town Manager's office at 603.432.1100 x 120 five (5) days in advance if you need assistance to attend or participate in the hearing. Anyone wishing to submit written comments should address them to the Town Manager at 268B Mammoth Rd, Londonderry, NH, 03053 or as an attachment to an email addressed to Kirby Wade kwade@londonderrynh.org.

ORDER #2014-16

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 07/21/2014

Adopted: 07/21/2014

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 \$12,701.63 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 \$12,701.63 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

Tom Dolan, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:
07/21/2014

**Expendable Maintenance Trust TC Order Request
for Town Council Meeting *7/21/14***

Description	Vendor	Amount
<p><u>Londonderry Police Department - Carpet Replacement</u> The existing carpet in the Sargent's and LT's office areas is worn out and needs replacement. This EMTF request is to remove the existing carpet and install approx. 1264 sq. ft. of Johnsonite Rubber flooring which is more durable and more suitable in this type of application. This EMTF request is for the labor & materials to move & put back the furniture, remove the old carpet, and, install the new Johnsonite Rubber flooring in the Sargent's and LT's office areas.</p>	<p align="center">Shop At Home Carpet Quote</p>	<p>\$ 10,662.00</p>
	<p>EMTF Request Amount</p>	<p>\$ 10,662.00</p>
<p><u>Fuel Farm Tank Inspection - Central Fire Hot Water/Heat</u> Per NHDOE we are required to perform an internal tank inspection every 10 years on our gasoline and diesel tanks located in the Fuel Farm behind Central Fire. Since Central Fire's furnace (Heat & Hot Water) gets its fuel supply from the Diesel Tank we had to provide a temporary fuel source for the 2 to 3 days during the tank inspection. This EMTF request is for the labor/materials to supply the temporary fuel supply to the furnace.</p>	<p align="center">Commercial Solutions Invoice # 4437</p>	<p>\$ 2,039.63</p>
	<p>EMTF Request Amount</p>	<p>\$ 2,039.63</p>
<p>Total Town Council EMTF Order</p>		<p>\$ 12,701.63</p>



HEALTH AND DEPUTY HEALTH OFFICER APPOINTMENT FORM

Application Information:

Health Officer (HO) _____

New Appointment

~~Renewal~~

Deputy Health Officer (DHO) _____

_____ New Appointment

_____ Renewal

Please complete the form in its entirety. The information requested is vital to ensure the ability of the New Hampshire Division of Public Health Services (DPHS) to communicate with Health and Deputy Health Officers during local or statewide emergencies. Please note that appointment terms are three years and that Deputy Health Officer terms will run concurrently from the date of the Health Officer DPHS appointment.

Town Information

Town: LONDONDERRY

County: ROCKINGHAM

Town Manager/Administrator Name: KEVIN H. SMITH

Email: ksmith@londonderrynh.org

Health Officer/Deputy Health Officer Information

Name: RICHARD G. CANUEL

Date of Birth: 10/5/1953

Home Mailing Address: 34 LONG HILL RD
RAYMOND, NH 03077

Daytime Phone: 432-1100 x 107

Cell Phone: 247-7038

Night time Phone (emergency only): 895-2342

Fax: 432-1128

Primary Email: rcanuel@londonderrynh.org

Board of Selectmen Information

Mailing Address: 208 MAMMOTH RD

City/State/Zip: LONDONDERRY, NH 03053

Phone: 432-1100 x 120

Fax: 432-1128

Email: _____

Preferred Mailing Address: Municipal Office Home

If the Board of Selectmen (BOS) is serving as Health Officer, under BOS above, please identify one (1) person to serve as the contact with DPHS. Also, please list that person's home mailing address and day/evening phone numbers as requested.

This information is private and will not be released to, or shared with outside entities

Occupation-Check One

- MD
- PA
- Nurse/NP
- Other Health Professional
- EMT/Paramedic
- Code Enforcement/Building Inspector
- Town Administrator/Manager
- Town Welfare Officer
- Member - Board of Selectmen
- Police
- Fire
- Licensed Septic System Design/Installer
- Other

Position Type - Check One

- Full time municipal employee as HO/DHO only
- Full time municipal employee with other responsibilities
- Per Diem
- Volunteer
- Part-time as HO/DHO only

Education Level -Check One

- High School/GED
- Associates Degree
- Bachelors Degree
- Masters Degree
- JD
- Other Doctoral Degree

Board of Selectmen Signatures:
(not required for Deputy Health Officer)

Does the municipality indemnify the HO? Yes No

Salary to carry out HO responsibilities: \$ _____

Deputy/Health Officer's Signature: [Signature]

Date: 02/23/2014

RETURN COMPLETE FORM TO:

Jessica Morton

Division of Public Health Services

Bureau of Health Protection

29 Hazen Drive /Concord, NH 03301-6504

FAX: 271-3991 / EMAIL: Jessica.Morton@dhhs.state.nh.us

For State Office Use Only

Appointment Date:

Expiration Date:

New appt. (N) or Re-appt. (R)



TOWN OF LONDONDERRY
268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 120 Fax: 432-1128

**RENEWAL APPLICATION FOR MOTOR VEHICLE
JUNKYARD DEALER'S LICENSE**

Date: July 18, 1998 Date of Birth: 5/19/33 Social Security Number: 002266598

Name of Applicant: Kenneth H. Hall

Address: 7 Litchfield RD Londonderry NH.

Location of Junkyard: 7 Litchfield RD

An application for renewal of a junkyard license must be made to the Town Council of the Town of Londonderry annually, on or before July 1st pursuant to RSA 236:121.

Accompanying this application form please attach the following:

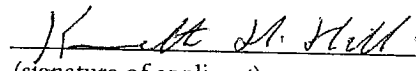
- a. All state permits and supporting documentation, e.g., motor vehicle dealer's permit, inspection station's permit, etc.
- b. Any environmental studies, reports developed by or on behalf of or in the possession of the applicant or notices from the New Hampshire Department of Environmental Services.

In order for a renewal license to be issued, the junkyard:

- a. May not become a public nuisance, RSA 236:119;
- b. May not violate the terms of RSA 236:111-129;
- c. May not have an adverse impact on the surrounding environment, RSA 236:111; and
- d. Must be completely surrounded with a solidly constructed fence at least six feet (6') in height which substantially screens the area and includes a suitable gate which shall be closed and locked, except when the applicant or his agent is at the site. All motor vehicles and parts must be stored within the fenced area.

Each motor vehicle dealer is required to file with the state annually bonds in the following amounts, dependent upon the length of time said dealer has done business under the same name in the community: (a) one year, \$20,000; (b) over one year, but less than two (2) years, \$15,000; and (c) over two (2) years, \$10,000. RSA 261:98. Any dealer failing to post a bond in accordance with the provisions of the statute shall be guilty of a misdemeanor. RSA 261:102.

I hereby certify, under penalties prescribed for perjury, that this application is complete and that the junkyard for which I seek application meets the standards set forth under the applicable statutes.



(signature of applicant)

I hereby certify, under penalties prescribed for perjury, that the junkyard has been inspected and remains in compliance and the proper bonds filed with the town and state, as required by statute.

Code Enforcement Officer
Town of Londonderry

Fees Paid: \$ 250.00

Date: 7/16/2014


Town Clerk

Introduced: 07/21/2014
Second Read/Pub Hrg: 08/11/2014
Adopted: 08/11/2014

ORDINANCE 2014-04

AN AMENDMENT TO THE MUNICIPAL CODE RELATING TO NEPOTISM AND CONFLICTS OF INTEREST

WHEREAS The public in the Town of Londonderry has a right to expect that public contracts and public employment, compensation and advancement is awarded based upon merit and without undue influence by familiar relations; and

WHEREAS The Town of Londonderry currently does not have a policy barring nepotism in employment; and

WHEREAS The Town of Londonderry currently does not have a policy prohibiting Town Councilors from participating in contract negotiations in which they or a member of their immediate family have a pecuniary interest; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title VI, Chapter XXVI, Section II, is hereby amended as attached.

Tom Dolan
Town Council Chairman

A TRUE COPY ATTEST:

Town Seal

Sharon Farrell - Town Clerk

Town Nepotism Policy:

a. Public Officials and Boards: No person serving as an elected official, an elected or appointed member of any Town board or commission, or as Town Manager, shall appoint or vote on the appointment of any person in his/her immediate family to a position as a Town employee. If a proposed employee is a member of the immediate family of any elected official, elected or appointed member of any Town board or commission that member shall remove himself/herself completely from the appointment process. Compliance with this provision shall be a condition of holding office pursuant to Article 6 of the Town Charter.

b. Employment of Family Members of Current Employees: Employment of immediate family members shall not be approved if another immediate family member would have the practical authority to appoint, evaluate, supervise or discipline the other. Additionally, no town employee shall be involved in the hiring process of an immediate family member. Any proposal to suspend the Town Nepotism Policy so that the Town may employ a member of a Town official or employee's immediate family shall be subject to prior approval by a majority of the Town Council.

Additionally, no Town employee shall evaluate, supervise or discipline any full-time member of their immediate family. If an employee has an immediate family member in his or her chain of command, that person shall take no part in the evaluation, supervision or discipline of that employee, with those responsibilities to be performed by the next highest person in the chain of command.

c. Town Councilors: In order to assure the public that no conflict exists in the awarding of business and contracts with the Town, no person serving as a Town Councilor or Town Manager shall take part at any stage in any negotiations, or vote on any contract or agreement between the Town and any individual or entity in which he/she or his/her immediate family has any direct or indirect financial or gainful interest however small. Compliance with this provision shall be a condition of holding office pursuant to Article 6 of the Town Charter.

d. Immediate Family: The immediate family is defined for purposes of this policy to include spouse, civil union partner, children, parents, stepparents, stepchildren, brothers, sisters, immediate in-laws, grandparents, grandchildren, or other person living in the employee's household.

e. Public Position: Public position is defined as any position on any board or commission established by the Town and subject to appointment by the Town Council as well as all elected Town Officers.

f. Effective Date: The provisions of this policy shall become effective on passage by the Town Council and shall apply to all those appointed or employed in any capacity by the Town after date of passage. The Town Manager shall take appropriate measures to limit the circumstances under which employees are supervised by members of their immediate family. To the extent such conflicts cannot be avoided, the Town Manager shall review and approve any performance

evaluations, disciplinary actions, or changes in job status in order to assure that the public's interests are served.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

June 16, 2014

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

Present: Chairman Tom Dolan; Councilors Tom Freda, Jim Butler and John Farrell; Town Manager Kevin Smith; Executive Assistant Kirby Wade; Absent; Vice Chairman Jim Butler

CALL TO ORDER

Chairman Dolan opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for all those who serve us here and abroad.

PUBLIC COMMENT

Chairman Dolan stated that the agenda is potentially heavy. Chairman Dolan stated before the meeting gets started he wants to reiterate the rules of engagement that the Council normally adhere to at the Council meetings. Questions and comments need to be directed to the chair. There should be no side debates and if someone wants to speak to someone other than the Chair they need to ask permission, and it is usually granted. As always the meeting was started off with Public Comment. Chairman Dolan opened it up to the public on any topic they would like to bring forward to the Council.

Martin Srugis, 17 Wimbledon Drive, stated that he wanted a little clarification, in the Londonderry Times he read that the Council is getting over a half a million dollars from the UPS Warehouse and it is going into a TIF account. Srugis stated that he knows the bond was never voted on but he knows the TIF District was established. Srugis asked why is the one being diverted there from the General Fund. Chairman Dolan asked Councilor Farrell to answer the question as he is the leader of strategic initiatives. Councilor Farrell stated that even until first it is assessed where the Town stands. Right now all they are doing is standing around and trying to figure out what the next steps are. They still have to go through the Planning Board process so there is not going to be any money until next April 1st. Councilor Farrell stated that we need to wait to see what is built and what will be assessed. What the Council is doing, because the Town has never had a TIF before and in trying to understand it, that we the Council are working through a series of discussions between developers and lawyers. Councilor Farrell stated that there are a lot of discussions going on that are not open yet, of exactly how the Pettingile Road area is going to build out. Councilor Farrell stated that the Council is taking things slowly and no one is paying any money right now. Srugis stated that that was going to be his next question, has anything been exchanged between the developer there and the Town. Councilor Farrell stated that if you watch the Woodmont piece, there is a very complicated process around developer agreements. Councilor Farrell stated that it would not surprise him if the same process was being followed. Councilor Farrell stated that there should be little burden to the taxpayers. Councilor Farrell stated that the Council has not gone down the path of what to do yet. Town Manager Smith stated that when the Council designated that area a TIF district, it automatically, any revenues above and beyond what the Town was currently getting in that area would start going into a separate account, the TIF account, because it was designated a TIF district. Town Manager Smith stated that the money from that account can only be used for improvements to that area so long as the district stays up there. At any time the Council decides to dissolve that district, any money that would be in that TIF account that are not used there, would all go back into the general fund. Srugis stated that it was his understanding that if you designate a TIF district you have to float a bond and the bond pays for the improvements in the district and then the base rate that you get the taxes on, anything above that would go to pay for the bond. Srugis stated that he is curious as to why we created a TIF district that the Town can automatically start putting money into. Chairman Dolan stated that the bond is one option that the taxpayers have. You can set aside money in the TIF district for improvements in that district without going through a bond.

Chairman Dolan stated that he was going to take up Ordinance #2014-4 because there has been a special request Councilor

LONDONDERRY TOWN COUNCIL MEETING MINUTES

Farrell would like to make. Councilor Farrell stated that since Councilor Butler can't be here and he will be leaving at eight o'clock, Councilor Farrell stated that if the Council agrees, can the Ordinance be tabled to the next meeting? Councilor Green and Freda mentioned that they were fine with that. Chairman Dolan stated that it will be tabled until the next meeting.

PUBLIC HEARING

Councilor Green motioned to open Public Hearing and second by Councilor Farrell.

Chairman Dolan stated that the three items in Public Hearing will be taken out of order. Chairman Dolan stated that Order 2014-12 will be addressed first. Chairman Dolan introduced the license of Murrays Junkyard run by Mr. Dudek. Chairman Dolan asked Richard Canuel, Londonderry's Building Inspector, what the status is. Canuel stated as the Council is aware; again it is a Public Hearing matter as it was last year regarding the merits of a license renewal for Mr. Dudek doing business. Over the past year there have been a number of complaints and they have all been investigated by the Building Department. Canuel stated that it has come down to three determining factors regarding non-compliance with conditions of the license. One of them has to do with stacking the vehicles above the fence, which was a matter of contention at last year's hearing as well. Canuel stated that the other has to do with the hours of operation. The third has to do with parking of equipment in the front lot. Canuel stated on the first item has been addressed and resolved by Mr. Dudek as a result of an enforcement notice from the Building Office, a notice of violation. Canuel stated that those vehicles are now below the line of the fence. Canuel stated that Mr. Dudek is in compliance with that condition presently. Items two and three having to do with the hours of operation; Canuel stated that there have been a number of complaints from the neighbors regarding deliveries of junk vehicles after the close of business at 5 PM. Canuel stated that on occasion there have been complaints of early deliveries as well, prior to the open of business at 8 AM. Canuel stated that it has been interpreted by the Town's legal Council that the delivery of Junk vehicles is in operation of the junkyard and the established hours of operation being between 8 AM and 5 PM. They should not be delivered after 5 PM. The third item has to do with the parking of equipment in the front parking lot. As part of the stipulation for decree in 2000, there was distinct language stated in that stipulation on what can and cannot be done in the front lot. One of the issues was the parking of equipment. There shall be no equipment parked in the front lot. That has also been interpreted by legal Council that tow trucks, all the flatbed trucks that carry the junk vehicles, should not be parked there. Canuel stated that his year end inspection of the junkyard as well as the junkyard itself, the overall operation and draining of fluids appeared to be in compliance with the State's Best Management Practices. The internal operation of the junkyard, Mr. Dudek is following the proper procedures. Canuel stated that however during his inspection a week ago, he did notice that there were two flatbed trucks parked in that front lot. Those trucks have been brought to Mr. Dudek's attention this past year. Canuel stated that those issues need to be addressed by the Council.

Chairman Dolan opened up question from the Council. Councilor Freda asked Canuel if he goes out there and sees trucks that are not supposed to be in that front lot but he has knowledge from complaints of other incidents where there have been trucks present there, when does he consider a violation. Canuel stated that the issues with the hours of operation has not been observed by his office at any time. Strictly based on complaints from the neighbors. Canuel stated that the parking of the trucks in the yard, this is the first time during the recent inspection, he observed that they were actually parked there and sitting there. Canuel stated over the past year that has been based on complaints from abutting property owners. Councilor Freda asked Canuel what is needed to issue a notice of violation. Canuel stated that it would need to be observed by himself or someone else from the building department. Canuel stated it really needs to be official.

Richard Bielinski, 89 Hall Rd, stated that he has been bringing up a number of these issues for years. Bielinski showed the Council a few pictures he took that day of one of the flatbeds parked out front. Chairman Dolan stated that that issue was addressed and taken care of. Bielinski passed around photos. Bielinski mentioned the lawsuit in the US District Court in Concord about the permits for the Clean Water Act and the Water Discharge Act. Bielinski stated that his disappointment is because it has been brought up for ten years now that some type of permit was needed there and the Town did nothing about it. Bielinski stated that the actions that are in US District Court in Concord were initiated by the CLF (Conservation Law Foundation). Bielinski stated that Court action is not a matter of whether the permits exist, they don't exist, it is to bring the site into compliance with the Clean Water Act and Water Discharge Act. Bielinski stated that the Council has a copy of it. Bielinski stated that he doesn't see how a license can be issued when he does not have all the proper permits required. Councilor Freda asked Canuel how does he know if he doesn't have a permit. Bielinski stated that the lawsuit has already been

LONDONDERRY TOWN COUNCIL MEETING MINUTES

102 checked with the US Government and Mr. Dudek himself stated in the newspaper that if he had known that he needed them he
103 would have applied for them. Bielinski stated that he wrote a letter to John Farrell when he was on the Zoning Board when
104 they were letting the new building go in, bringing this all up. Councilor Freda addressed Richard for the record and asked him
105 if he was speaking as an abutter or neighbor. Bielinski said no he was speaking as a resident of Londonderry. Bielinski stated
106 that he lives on Hall Road a half a mile up the road. Bielinski stated that on the hours of operation, the Town took Mr. Dudek
107 to Court about six years ago. Bielinski stated that Mr. Dudek signed a stipulation stating the hours are eight to five, but things
108 have been going on after five.

109
110 Gerard Adams, 54 Hall Rd, stated that he fully expects that the Council will give him his license tonight. Adams stated that
111 there have been a number of complaints over the last few years. Adams stated that last year Attorney Ramsdell mentioned
112 operating after five o'clock. Adams stated that the Council also asked the owner of the property if he would do a certain thing
113 and he didn't and the license was issued anyways.

114
115 Claudet Adams, 54 Hall Road, addressed a question to Councilor Freda. Chairman Dolan asked if she could address her
116 comments to the Chair. Adams stated that she can answer a question that Councilor Freda had before with regard to the court.
117 Adams stated that she thought she understood Councilor Freda to say the attorney mentioned in terms of the Court Order and
118 the expansion of the nonconforming use that it wasn't an expansion. Adams pointed out page 14 of the 1997 Court Order. [See
119 highlighted attached document]. Adams stated as Councilor Freda mentioned, the junkyard owner was required to move the
120 building to the original spot where it was located. Adams stated that it was not done. Adams stated that last year she requested
121 that the fence be replaced so that the trailer is not in front. It was supposed to be behind. Adams stated that she believes it
122 would be reasonable thing to ask that the fence be put back the way it was since he was not required to move the trailer to be
123 compliant with the Court Order, and the fence was put up in front of the trailer. Adams shared pictures with the Council.
124 Councilor Green stated that the Council has no jurisdiction to go against a Court Order. Councilor Freda stated the he agrees.
125 Adams asked if he was following best management practices. Chairman Dolan stated that he does appear to be following best
126 management practices. Canuel stated that he did visit the yard and Mr. Dudek seems to be following the States recommended
127 best management practices for the handling of vehicle fluids and the storage of tires and batteries. Town Manager Smith
128 stated annually the Town receives a copy of the permit from DES for all of the junkyards in town. Canuel stated that it is not
129 from DES, it is a copy of the license that comes from the State Department of Motor Vehicles, to license junkyard dealer, and
130 the town does get a copy. Adams stated that she checked the DES website and there is a log or summary on May 14, 2014,
131 there is an entry that says site and inspection performed to oversee well installation and it stated that the site appears to lack
132 best management practices. Councilor Green stated that in 1997 there was a water act and it specifically states under national
133 pollution discharge elimination system under that act that facility subject to federal storm water or fluent discharge standards
134 of 40CFR include junkyard and under that law permits required before you can even renew a license you have to have this
135 permit. Councilor Green stated that is a problem. It is not just a lawsuit, it is a federal law.

136
137 Dana Coons, 2 Apple Cr, stated that he is not an abutter; however he does drive by every day. Coons stated that looking over
138 his site and comparing it to some of the other sites in town; he finds it to be much more pleasing. He does not have cars and
139 trucks parked out front. Coons stated that he has seen trucks there making deliveries, but that is part of the business. Coons
140 stated that he has never seen any parking there over night. Coons stated that he has also not observed anyone there past eight or
141 nine o'clock but he has to understand that he is running a business and if he does own equipment picking up vehicles, if they
142 are running late because of traffic or weather. He said he does not see a problem with what Mr. Dudek does.

143
144 Attorney Pat Panciocco stated that she was asked by Mr. Dudek three or four days ago, to assist with the matter. Panciocco
145 stated that what she would like to request after hearing some of the testimony and concerns and observing that a lot of us are
146 not familiar with the history of the site. Panciocco requested for consideration that the board think about whether they would
147 be willing to extend Mr. Dudek's license for a limited period of sixty days, which would give her some time to get the facts
148 together. Panciocco stated that she understands that there is a court order but she also thinks that there have been some new
149 ideas that have been floated by her client, Mr. Dudek. Panciocco asked the Council for a sixty day extension.

150
151 Councilor Farrell stated that he has no problem with the sixty days. Councilor Freda stated that he would like to see what they
152 propose to do within the next sixty days, providing that they strictly comply with all the existing conditions right now.
153 Councilor Green stated that he has a problem with the sixty days. Councilor Green stated that the Council knew they were out
154 of compliance in November. It is hard to get compliance in two months. Chairman Dolan stated that the Council has been

LONDONDERRY TOWN COUNCIL MEETING MINUTES

155 advised by Attorney Ramsdell that the parking of the vehicles/equipment is not something the Council has the authority to
156 negotiate. That is a Court Order. Chairman Dolan stated that going forward; the Council has asked the Town Official to
157 enforce that. Panciocco asked Chairman Dolan, from what she has heard, there have been a few different Court Orders
158 involved with this site. Panciocco stated that if she understands correctly, the term equipment originated with the Court.
159 Panciocco stated that it would be good to get a clearer definition of what the Court was referring to when they referred to
160 equipment. Chairman Dolan stated that if it has four wheels and it is used to run the business it is considered equipment, even
161 though it is road worthy.

162
163 Chairman Dolan asked what the Council if they wanted to take a vote on this matter or do it by consensus? Councilor Freda
164 stated that he is fine doing it by consensus. Councilor Green stated that he is not in favor. Councilor Farrell also stated that he
165 is fine with giving them until August 11th. Chairman Dolan stated ok, Meeting adjourns until August 11th **by consensus.**

166
167 Councilor Farrell recused himself from the meeting. Chairman Dolan stated that there is still a quorum of three so the Council
168 can move on.

169
170 Councilor Green read in **Ordinance #2014-03**, an Amendment to the Municipal Code, Title 1, Chapter XXVII, Civil Marriage
171 Ceremonies. Councilor Green motioned to approve, second by Councilor Freda. There was no discussion from the public or
172 the Council. **Chair votes 3-0-0.**

173
174 Sue Hickey, Finance Manager and Doug Smith, Controller, presented RSA 31:95b, the appropriation for funds made available
175 during the year. Hickey stated that this is an annual Public Hearing under this RSA. Hickey stated that it is broken down by
176 department. It is to accept the miscellaneous grants and donations they have received and then donated equipment from
177 companies. Hickey stated that the total amount of anticipated revenue's for this year is \$343,391.94. Councilor Freda asked
178 about the LGC refunds, does the town have to give any of that to employee's or is that the Town share. Hickey stated that it is
179 just the employers' share and the employee's share was already taken back. Town Manager Smith asked if the monies
180 received from the Pennick Water purchase should be on this. Hickey stated that both her and Doug Smith looked at that
181 based on some of the grant revenue that the Town budgeted for in comparison with that, so there were some question's they
182 had on that because there was some budgeted revenue grant lines that the Town didn't received grants for that went into that,
183 so the Town was not over on the grants that were put in there. Councilor Freda asked if the Fire and Police Department funds
184 go to the department or do they go to the General Fund. Hickey stated that they go to the General Fund and get listed under
185 Fire and Police Department grants. There were no further questions from the Council or the public.

186
187 Chairman Dolan announced that he concludes the Public Hearings. Motion to close Public Hearing made by Councilor Freda
188 and second by Councilor Green. **Chair votes 3-0-0.**

OLD BUSINESS

190
191
192 Chairman Dolan gave a brief update on the Musquash and the target shooting topic that has been brought up. Chairman Dolan
193 stated that he wanted to reassure the public that the Town Council is looking into this matter as to what policy, if any, the
194 Council should put in place to deal with this issue. Chairman Dolan stated that they have done research to see how the
195 surrounding towns have dealt with this issue. Chairman Dolan stated that the Town usually brings a new Ordinance to the
196 public, but this topic will be handled slightly differently. Chairman Dolan stated that once the summer vacation season ends,
197 there will first be a public workshop on the topic which will give the public an extended period of time to provide input and
198 advice to the Town Council as they consider what policy, if any, should be put in place. Chairman Dolan stated that the public
199 should look for the public workshop somewhere in the September time period.

NEW BUSINESS

200
201
202
203 Chairman Dolan introduced Order's #2014-13 and #2014-14, the licensing of a junkyard pursuant to RSA 236. Canuel stated

LONDONDERRY TOWN COUNCIL MEETING MINUTES

204 that those are two remaining junkyards. The forth junkyard has not filed to renew their license for this year. Canuel stated that
205 the other two junkyards, S&S Metals and Londonderry Salvage in his year end inspection, he did not know any adverse
206 conditions that would affect renewal of a license. Both of the entities have filed their certificate statements of compliance with
207 the best management practices. Canuel stated that he recommends granting renewal of license for both.

208
209 Councilor Freda read in Order #2014-13. Motion to approve Order #2014-13 made by Councilor Freda and second by
210 Councilor Green. **Chair votes 3-0-0.**

211
212 Councilor Green read in Order #2014-14. Motion to approve Order #2014-14 for discussion made by Councilor Green and
213 second by Councilor Freda. Councilor Green stated that he would like to add a condition on this Order. A license to follow,
214 complied with requirements to RSA 236:111-129 and within that says that they are in compliance with 123 and just to be
215 consistent with thoughts and reasoning earlier, it is not prudent for the Council not have that as a stipulation considering it
216 doesn't follow with regulation. Chairman Dolan suggested that from a code enforcement standpoint that at the point in time in
217 the year when the leaves have left the tree's, that the Council ask Richard Canuel to make a visit to the junkyard at that point
218 and make some evaluation of the screening and bring that evaluation back to the Council at this time next year for
219 consideration. Councilor Freda stated that he is in favor of treating all of the junkyards the same, including all of the
220 conditions. Hours of operation and fence. The Council discussed different options. **Chair votes 3-0-0.** Canuel stated that he
221 will make note to physically visit the property this winter to take a look at it.

222
223 Sue Hickey and Doug Smith handed the Council documents as required in the Town's Impact Fee Ordinance, every six
224 months, December and June the Finance Department is to present an activity schedule and summary of impact fees for the
225 year. Hickey stated that since the impact fees are under suspension, there is not a whole lot to see except for additions, which
226 are interest, \$37.83 for the year. Hickey stated some deductions, which have been expired or any Court Order refunds that the
227 Town had to do, which was one. It gives you the ending balance for the period ended May 31st, 2014. Hickey went through the
228 packet with the Council. Hickey stated that there are a lot more impact fees due to expire in December. Councilor Freda asked
229 Hickey if she has been able to find anyone who is due to refund. Hickey stated no. There are some people who are no
230 longer around, especially companies. Hickey stated that the town gets the check back and holds onto it. What will end up
231 happening is the Town will do legal ads in the paper to see if anyone comes forward to claim it and then it will be turned over
232 to the State as abandoned property. Chairman Dolan asked if Hickey could give the Council some assurance that the oney
233 being refunded goes account and used for that purpose. Hickey stated that it is. Councilor Freda read in Order #2014-15,
234 an Order related to impact fee refunds. Motion to approve Order #2014-15 made by Councilor Freda and second by Councilor
235 Green. **Chair votes 3-0-0.**

APPROVAL OF MINUTES

236
237
238 Approval of the minutes from June 2, 2014 made by Councilor Green and second by Councilor Freda. **Chair votes 3-0-0.**

LIASON REPORTS

241
242 None

TOWN MANAGER REPORT

243
244
245
246 Town Manager Smith recognized the Building Department who recently received their Certificate of Achievement from the
247 International Code Council for obtaining 100% staff certification and by doing so they are the first department in New
248 Hampshire to receive this status. Town Manager congratulated the Building Department. Chairman Dolan also complimented
249 Richard Canuel stating that he was very prepared for junkyard licensing and was very professional with the process. Canuel
250 thanked the Council.

251

LONDONDERRY TOWN COUNCIL MEETING MINUTES

252 Town Manager Smith stated that the Town is preparing early for budget discussions for the FY16 budget. Looking for some
253 direction from the Council as to how they would like the budget prepared. Smith stated that last year the Town went in at
254 default and prepared the budget based on the default as a starting place. Unless the Council says otherwise, that would be
255 where it would be good to start FY16 budget as well. Councilor Green stated that it has always been a good starting place.
256 Chairman Dolan stated that the Town has that direction from the Council.

257

APPOINTMENTS & REAPPOINTMENTS

258

259

260 Chairman Dolan introduced the Southern New Hampshire Planning Commission reappointments. Chairman Dolan introduced
261 the appointment of Art Rugg, Sharon Carson and Deb Lievens. Motion to appoint all three individuals to a four year term on
262 the Southern New Hampshire Planning Commission made by Councilor Green and second by Councilor Freda. **Chair votes 3-**
263 **0-0.**

264

265 CART (Cooperative Alliance for Regional Transportation) appointed Nancy Michaels and Art Rugg to serve on their Board of
266 Directors. Motion to approve Art Rugg and Nancy Michaels made by Councilor Green and second by Councilor Freda. **Chair**
267 **votes 3-0-0.**

268

269

ADJOURNMENT

270

271

Motion to adjourn made by Councilor Green and second by Councilor Freda. **Chair votes 3-0-0.**

272

273

274

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Notes and Tapes by Kirby Wade

Date: 06/16/14

276

Minutes Typed by: Kirby Wade

Date: 06/24/14

277

Approved by Town Council

Date: 07/21/14

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