

TOWN COUNCIL AGENDA
September 22, 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.) Liberty Utilities Introduction
Dan Saad - President

C. PUBLIC HEARING

- 1.) **Ordinance 2006-08 (A)** – An Amendment to the Municipal Code, Title VI, Chapter XIX, Relating to Approval of Sanctioned Recreation Groups.

D. OLD BUSINESS

E. NEW BUSINESS

- 1.) **Order #2014-21** – Expenditure of Maintenance Trust Funds for Various Projects.
Presented by Kevin Smith
- 2.) **Resolution #2014-04** – Discontinuance of a Portion of Class VI Highway (Pettengill Road from Industrial Drive to the Easterly Side of Map 28 Lot 17-2 and Map 14 Lot 49) **(1st Reading)**
Presented by Kevin Smith
- 3.) **Ordinance #2014-05** – An Amendment to the Municipal Code Title I, Chapter XXI Sale, Possession and Display of Fireworks **(1st Reading)**
Presented by Kevin Smith
- 4.) Exit 4A Update
Presented by Kevin Smith

F. APPROVAL OF MINUTES

Approval of September 8, 2014 Town Council Minutes

G. OTHER BUSINESS

1. Liaison Reports

2. Town Manager Report
 - 1.) **Musquash Target Shooting Update
First Workshop on 10/07/2014**
3. Board/Committee Appointments/Reappointments
 - 1.) Resignation of Ann Chiampa from the Heritage Commission
 - 2.) Interview Candidate for Heritage Commission

H. ADJOURNMENT

I. MEETING SCHEDULE

1. Town Council Meeting – **10/06/14** Moose Hill Council Chambers, 7:00PM
2. Town Council Meeting – **10/20/14** Moose Hill Council Chambers, 7:00PM
3. Town Council Meeting – **11/03/14** Moose Hill Council Chambers, 7:00PM
4. Town Council Meeting – **11/17/14** Moose Hill Council Chambers, 7:00PM

Introduced/1st Reading: 08/11/14
Second Read/Public Hrg.: 09/08/14
Second Public Hearing: 09/22/14
Adopted: xx/xx/14

ORDINANCE 2006-08 (A)
AN AMENDMENT TO THE MUNICIPAL CODE, TITLE I, CHAPTER
XXIII, RELATING TO APPROVAL OF SANCTIONED RECREATION
GROUPS

WHEREAS the Town of Londonderry owns and manages many recreation facilities;
and,

WHEREAS the Londonderry Recreation Commission does not directly manage many
recreation programs and consequently receives numerous requests from
youth and adult groups to utilize Town recreation facilities; and,

WHEREAS a policy is necessary to ensure that facilities are utilized in a safe and
efficient manner;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry
that the Municipal Code of the Town of Londonderry, Title I – Town Policy, Chapter XXIII, Approval
of Sanctioned Recreation Groups, is hereby adopted as attached, effective six months from the adoption
date.

Tom Dolan - Chairman
Town Council

Sherry Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
xx/xx/2014

TOWN OF LONDONDERRY
Title I -Town Policy

Chapter XXIII - APPROVAL OF SANCTIONED RECREATION GROUPS

SECTION I PURPOSE

- A. The Town of Londonderry owns and manages many recreational facilities, however, the Town does not operate many recreation programs. Youth and Adult programs are organized and managed by various non-profit groups. To ensure that town facilities are utilized in a safe manner for the benefit of town residents, the Town Council has adopted the following guidelines when recognizing Sanctioned groups.

SECTION II AUTHORITY

- A. This policy is authorized under Article 3, Section 3.12 of the Town of Londonderry Charter.

SECTION III APPLICATION

- A. All groups looking to be sanctioned must apply with the Recreation Commission. All applications and recommendations of the Committee will be forwarded to the Town Council for consideration.
- B. Recognition by the Recreation Commission does not guarantee exclusivity to times or locations of any facility.
- C. Upon approval of an Sanctioned Group by the Town Council, that Group is eligible to utilize town recreation facilities pursuant to the use and scheduling policies and practices as promulgated by the Recreation Commission.

SECTION IV ELIGIBILITY CRITERIA

- A. In order to be considered eligible for approval as an Sanctioned Recreation Group, the following guidelines shall be met:
 - 1. A minimum 80% of the participants are residents of Londonderry and the program is available to all age-appropriate Londonderry residents. The participation ratio applies to all teams in an organization.
 - 2. A majority of the coaches/supervisors are residents of Londonderry.
 - 3. The governing body consists of Londonderry residents
 - 4. In recognition of the limited availability of facilities and the desire to avoid

Town of Londonderry, NH
Title I – Town Policy

scheduling conflicts, all groups must demonstrate that the program offering is new or unique to the Town, and if not, justification for starting a similar program.

5. All groups must demonstrate that the program is not temporary, but is designed to continue to provide recreational opportunities for an indefinite period.
 6. All groups must demonstrate that the program has been well planned and will be properly supervised, as set forth in the group's Articles of Agreement (if a fund-raising group), By-Laws and Code of Conduct. The charters of each organization should clearly reflect the goals of the group and should mirror the charter granted by the town council. Each organization must adhere to the guidelines of the resolutions approved by the town council.
 7. All groups must demonstrate that they have the proper framework for leadership, and that the coaches/supervisors will provide this leadership.
 8. All groups must demonstrate that the group is non-profit and does not have any outstanding obligations to the Town and has the ability to financially support the group's activities.
 9. All Sanctioned groups must comply with all the rules set forth by the Recreation Commission regarding the usage of facilities. No changes can be made to the use of fields without the prior approval of the Recreation Commission.
 10. The facilities exist to accommodate the new activity.
 11. Once sanctioned, all groups must comply with all of the rules set forth within this eligibility criteria section.
 12. Sanctioned groups may not enter into any contracts with, or give permission to, any other unsanctioned group for use any of the fields. All field use will be arranged through the recreation commission to sanctioned groups only.
- B. Fund-Raising Groups – In addition to meeting the Eligibility Requirements as set forth in Section IV. A, Recreational Groups which seek donations and/or financial assistance to support their activities shall be required to meet the following requirements:
1. Any fund-raising recreational group has been registered as a Volunteer Corporation with the New Hampshire Secretary of State, in accordance with RSA 292, and remains in good standing.
 2. Once sanctioned by the Town Council, all Fund-Raising Groups must maintain the following documents with the Commission (documents must be current to demonstrate a group's good standing with the appropriate agencies):
 - Articles of Agreement

Town of Londonderry, NH
Title I - Traffic Safety Code

- By-Laws
 - Code of Conduct
 - IRS Filings (if applicable)
 - State of New Hampshire Filings with Secretary of State and/or Attorney General's Office, Charitable Trust Division
 - Current board of directors with contact information (title, name, address, phone number and e-mail)
 - Proof of Insurance
 - Membership/enrollment total broken down by town
- C. Other Independent Groups - Once sanctioned by the Town Council, all non-fund raising, independent groups must maintain the following documents with the Commission (documents must be current to demonstrate a group's good standing with the appropriate agencies):
- By-Laws
 - Code of Conduct
 - IRS Filings (if applicable)
 - State of New Hampshire Filings with Secretary of State and/or Attorney General's Office, Charitable Trust Division (if applicable)
 - Current board of directors with contact information (title, name, address, phone number and e-mail)
 - Proof of Insurance
 - Membership/enrollment total broken down by town
- D. Exemptions to the Sanctioning Process – It is hereby recognized that the Recreation Commission may organize, sponsor and/or coordinate a number of recreational activities, with said activities not falling within the definition of Section IV. B or C. These activities shall be exempt from the Sanctioning process. Examples, for illustrative purposes only, may include:
- Youth Camps
 - Skills Training
 - Coaches' Training
 - Open pick up type adult activities (e.g.. free play basketball, coed volleyball, line dancing, ballroom dancing)
- E. Effective Date 02/21/07.

~~End of Chapter~~

ORDER #2014-21

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 09/22/2014

Adopted: 09/22/2014

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 \$3,417.00 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$3,417.00 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:
09/22/2014

**Expendable Maintenance Trust TC Order Request
for Town Council Meeting *9/22/14***

Description	Vendor	Amount
<u>Town Hall - Unit #7 exterior AC Condenser Replacement</u> Unit #7 exterior AC condenser unit was loosing Freon. from past experience on attempting to repair the leak(s) in a condenser unit. it is less expense to replace the unit. This EMTF request is to remove and properly dispose of the old unit. purchase the new condenser. and, the labor to install/test the new condenser.	SAM Mechanical - Invoice # 2014304	\$ 2,862.00
	EMTF Request Amount	\$ 2,862.00
<u>Town Hall - Dry System Temporary Leak Repair</u> The Attic Dry System Sprinkler System tripped. after troubleshooting. we found that the black piping had multiple pin hole leaks in the pipe. which. was causing the air to leak out of the system. This EMTF request is for the labor/materials to perform a temporary patch on the multiple pin holes until the pipe could be replaced.	ASAP Sprinkler - Invoice #002046	\$ 555.00
	EMTF Request Amount	\$ 555.00
Total Town Council EMTF Order		\$ 3,417.00

RESOLUTION 2014-04

A Resolution Relative to the

***DISCONTINUANCE OF HIGHWAY
(Portion of Class VI Pettengill Road from
Industrial Drive to the Easterly Edge of Map 28
Lot 17-2 & Map 14 Lot 49)***

First Reading: 09/22/14

Second Reading/Public Hearing: 10/20/14

Adopted: xx/xx/14

WHEREAS

the Town Council, in accordance with RSA 231:43 has received a petition to completely discontinue and relinquish all public interest in the portion of a Class VI highway known as Pettengill Road for approximately 2,300 feet from the intersection with Industrial Drive to the west, convey by deed without covenants, whatever interest the Town may have in that portion of Class VI Pettengill Road from Industrial Drive to the easterly edge of Map 28 Lot 17-2 and Map 14 Lot 49 to the abutters, with each abutter being given that portion of Pettengill Road abutting their property to the center-line of Pettengill Road; and

WHEREAS

the matter of discontinuing a highway under RSA 231:43 is within the authority of the Town Council; and

WHEREAS

the discontinuance of that portion of Class VI Pettengill Road from Industrial Drive to the easterly edge of Map 28 Lot 17-2 and Map 14 Lot 49 would enable the beneficial industrial development of the adjacent parcels,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the discontinuance of that portion of Class VI Pettengill Road from Industrial Drive to the easterly edge of Map 28 Lot 17-2 and Map 14 Lot 49 as shown on the Town of Londonderry Tax Maps 14 and 28 (Tax Map 14 Lot 45-2 and Map 28 Lots 17, 17-4 & 18-3) that the discontinuance is hereby approved subject to the condition that Ballinger Properties and Five-N-Associates General Partnership shall indemnify and hold harmless the Town of Londonderry from any claims arising from the Town Council's decision to discontinue said portion of Class VI Pettengill Road from Industrial Drive to the easterly edge of Map 28 Lot 17-2 and Map 14 Lot 49.

Tom Dolan, Chairman
Town Council

(Town Seal)

Sherry Farrell
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
Adopted xx/xx/14

Introduced: 09/22/2014
Second Read/Public Hrg.: 10/06/2014
Adopted: 10/06/2014

ORDINANCE 2014-05
AN AMENDMENT TO THE MUNICIPAL CODE
TITLE I, CHAPTER XXI RELATING TO THE SALE, POSSESSION AND
DISPLAY OF FIREWORKS

WHEREAS the Town of Londonderry voted at its 1993 Town Meeting to authorize provisions of RSA 160-B and RSA 160-C, the sale, possession and display of fireworks, and;

WHEREAS the Town of Londonderry seeks to further authorize the issuance of permits to manage the sale, possession and display of fireworks within the community in an effort to maintain a high quality of life and preserve the public peace, and;

WHEREAS the Town of Londonderry currently does not address safety regulations of fireworks in its municipal code;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title I, Chapter XXI – sale, possession and display of fireworks, is hereby amended as attached.

Tom Dolan - Chairman
Town Council

Sharon Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
10/06/2014

CHAPTER XXI - SALE, POSSESSION AND DISPLAY OF FIREWORKS

SECTION I PURPOSE

- A. To manage the sale, possession and display of fireworks within the community with the aim of maintaining environmental quality while preserving the peace.

SECTION II DEFINITIONS

- A. “Fireworks” means as defined in 27 CFR section 555.11, “display fireworks” as defined in RSA 160-B:1, and “consumer/permissible” fireworks as defined in 160-C:1. “Fireworks” shall not include novelty items as defined in RSA 160-B and RSA 160-C.
- B. “Display” means the use, exploding, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.
- C. “Sale” or “Sell” means to sell, give or transfer to another, with or without consideration.
- D. “Retail” means the sale to any consumer or person not engaged in the business of making sales of fireworks.
- E. “Wholesale” means engaging in the business of making sales to any other person engaged in the business of making sales of fireworks. Wholesale shall not include any making of sales to consumers or persons not engaged in the business of making sales of fireworks. To constitute a wholesale, the sale must be for a minimum amount of \$1,000, or such minimum amount as established by the Commissioner of the Department of Safety pursuant to RSA 160-B1, VIII.

SECTION III PERMITS, SAFETY REGULATIONS, AND FEES

- A. Pursuant to 1993 Town Meeting Vote of Article No.7, the sale, possession and display of fireworks is authorized pursuant to the provisions of RSA 160-B and RSA 160-C, subject to all the provisions therein.
- B. Permits shall be issued to the extent authorized under RSA’s 160-B:6, 160-B:7, 160-C:2, and 160-C:6, including but not limited to:
 - 1. Any person seeking to display consumer/permissible fireworks shall obtain a permit from the Londonderry Fire Department.
 - 2. Permits shall be capped at a maximum of 12 per calendar year, per household.

-
3. A permit to display consumer/permissible fireworks shall not be required on July 4 and the three days preceding and succeeding July 4.
- C. The following safety regulations shall be followed:
1. Fireworks cannot be discharged any closer than 75 feet from any combustible structure, or no closer than the clearances listed by the fireworks manufacturer.
 2. Fireworks cannot be discharged any closer than 50 feet from any overhead wiring.
 3. Spectators must be positioned no closer than 75 feet from the discharged fireworks or no closer than the clearances recommended by the manufacturer.
- D. Fees shall be as follows:
1. Fees will be in accordance with the fee schedule adopted by the Town Council.

SECTION IV PENALTIES FOR OFFENSE

- A. In addition to any penalties provided in RSA 160-B and RSA 160-C, any person who or entity that violates any of the terms of this ordinance shall be guilty of a violation and subject to a fine in the amount of \$1,000.



Town of Londonderry

268B Mammoth Rd

Londonderry, NH 03053-3416

Website: www.londonderrynh.org

September 23, 2014

Commissioner Christopher Clement
New Hampshire Department of Transportation
PO Box 483
Concord, New Hampshire 03302-0483

Re: Exit 4A (the "project")

Dear Commissioner Clement:

On September 22, 2014, the Londonderry Town Council voted 4-0 to request that the New Hampshire Department of Transportation (NH DOT) assume administrative charge of completion of the Final Environmental Impact Study (FEIS), and responsibility for completing the project design and construction of Exit 4A and associated roadways known as Alternative A and described thoroughly in Section 2.5.2.1 of the draft FEIS, the key aspects of the project are:

- Construction of a new diamond interchange, which would only receive traffic from, and direct traffic to, the east side of I-93, located approximately one mile north of existing Exit 4.
- Construction of approximately one mile of new connector roadway. This roadway would travel across currently undeveloped land to Folsom Road near its intersection with North High Street.
- Reconstruction and improvements to approximately 1.6 miles of existing roadway, including sections of North High Street, Folsom Road, and Tsienneto Road, as well as sections of Franklin Street Extension, NH Route 28, Pinkerton Street, NH Route 28 Bypass, and NH Route 102. The specific improvements for each roadway segment are described in Section-2.5 and depicted on Figures 2.5-2a, 2.5-2b, and 2.5-2c, but will generally include the addition of turning lanes, through traffic lanes, traffic signals, and minor changes in roadway geometry.

The Town of Londonderry appropriated \$5,000,000 and authorized the issuance of a \$5,000,000 bond for costs related to the project on March 15, 1992. To date, it has not issued the bond, but has incurred and paid \$1,750,000 from its 4A Capital Project Fund for project-related expenses; in large part for fees paid to CLD Consulting Engineers for the Environmental Impact Study.

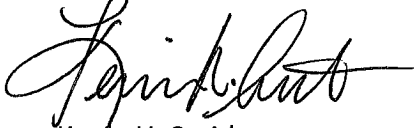
The Town of Londonderry commits to working with the Town of Derry and NHDOT to facilitate the designing, right-of-way procurement, and construction of the Exit 4A project, and in doing so will formalize an agreement with the above confirming the scope of work, commitments to utilize the remainder of available Town funding (estimated to be \$6.4 million; \$3.25 million per Town) for all phases of work, and supporting the NHDOT in completing the project.

By assuming charge of and responsibility for the project, the NH DOT explicitly acknowledges that the Town of Londonderry has no authority or obligation to expend more than \$5,000,000 (approximately \$3,250,000 million remaining) on the project and relies upon the NH DOT to secure funding for the project from state and federal sources.

The Town of Londonderry is highly appreciative of the NH DOT for its support and willingness to see this long-planned project through to completion. The Town Council and the Town's staff will work with the NH DOT over the life of the project to assist as necessary.

We look forward to an effective partnership with the Town of Derry and the New Hampshire Department of Transportation.

Regards,



Kevin H. Smith
Town Manager

Tom Dolan, Chair
Councilor

Jim Butler, Vice-Chair
Councilor

John Farrell
Councilor

Tom Freda
Councilor

Joe Green
Councilor

LONDONDERRY TOWN COUNCIL MEETING MINUTES

September 8, 2014

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

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

CALL TO ORDER

Councilor John Farrell acted as Chairman. Councilor Farrell 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.

Councilor Farrell stated that there are only three councilors tonight and there are a few items up front that are going to be continued. Councilor Farrell stated that the public hearing for Ordinance #2006-08, an Amendment to the Municipal Code Relating to the Approval on Sanctioning Recreation Groups. Councilor Farrell stated that someone from the Recreation Committee should be present to ask for a continuance. No one stepped forward. Town Manager Smith stated that it is his understanding that one of the interested parties in this Ordinance change was going to ask that the Public Hearing be continued to the next Town Council meeting so that the Recreation Commission can hold its next meeting. Smith stated that he was not told that by someone on the Recreation Commission but someone who is interested and works with the Recreation Commission. Councilor Farrell stated that it is his understand that other groups want to weigh in on this Ordinance. Councilor Farrell asked the Council if they would like to move up the Public Hearing to the next meeting on September 22nd. The Council had no objection. Councilor Farrell stated that the Ordinance will be continued to the next meeting.

Councilor Farrell stated that Order #2014-12, the Licensing of Murray's Auto Recycling, they have been asked by Council for Murray's to continue the Public Hearing, which is still open, to October 6th. The Council had no objections.

PUBLIC COMMENT

Pauline Caron, 369 Mammoth Road, stated that she is here for a few reasons. Lately there have been a lot of new building approvals in Londonderry. Caron stated that some of it is over 55 developments, but it is not affordable for seniors because the cost of units in these developments start in the range of \$300,000. Caron stated that Londonderry has a large senior population and there have been some who have moved out of town because they cannot find anything in Londonderry. Caron stated that it is something the Council has to address because there needs to be affordable senior housing. Caron stated that workforce housing is coming to Londonderry as well. Caron stated that some have been recently approved by the Planning Board. Caron stated that the Master Plan should be reviewed and areas for all developments should be reviewed and revised in accordance with the Master Plan. Caron stated that RSA 674:59-3 states that municipalities should take inventories of the workforce housing units that are available in the Town. Caron stated that it is time for Londonderry to take an inventory of what it has and what is coming up that has been approved for workforce housing, and until that is done there should be a moratorium on any future workforce housing units. Councilor Farrell stated that his understanding is that part of that law is that the Town has to do that annually. Councilor Farrell asked Town Manager Smith to check in to see if the Town has continued to do that and updated annually. Councilor Farrell stated to Caron that someone will look into it. Caron stated that she wanted to talk about the Zoning Board. Caron stated that there has been a free for all with developers because the Zoning Board has been granting variances left and right. Caron stated that the Town has Zoning Ordinances and they are there for a reason. They should be the law of the land for Londonderry. Caron stated that it seems like all these variances are being granted just as is. Caron stated that the ordinance should be followed and if they need to be revised than someone needs to revise them. Councilor Farrell stated that the Town is in the process of looking at all of the ordinances and zoning currently. Town Manager Smith stated that there is a zoning audit underway.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

50 Gerard Adams, 54 Hall Road, stated that he knew the Public Hearing was going to be continued. Adams stated that he read in
51 the Londonderry Times about a lady who would like to have some cows on her property and the comments about the cows got
52 his interest. Adams stated that those people are concerned about cows, when they should be more concerned about
53 contaminants in the water rather than what cows do to the marshland.

54
55 Claudet Adams, 54 Hall Road, stated that there was a supplemental site investigation that was conducted on the junkyard
56 concerning the contamination. It was done by the junkyards Geo Insight Company, the company that does the testing. Adams
57 stated that she had hoped that seven years after the removal of nine hundred and fifty-three tons of contaminated petroleum
58 soil and so on was removed, that by now there could be some relief and not have that burden that there is a threat of
59 contamination that exists. Adams stated in the report Geo Insight prepared a letter. It is a two hundred and eighteen page
60 report. Adams stated that the contamination is ongoing and a serious problem. Adams read in a short portion of the report.
61 Adams stated that she discovered on the DES website that there is a manual that corresponds with the self-certification and in
62 the self-certification it lists that you should contact the federal agency. Adams stated that if you follow the manual and conduct
63 a self-certification for best management practices, she doesn't see how you could not know about the contamination laws.
64 Adams stated that it is effect the value of her home. Gerard Adams called on a State Representative who has been supporting
65 the junkyard who has been breaking the law. Discussion about placement of the building came up, about whether the building
66 is behind the fence or not. Councilor Freda asked Adams who requested the contamination report. Adams stated that it is done
67 as part of the best management practices. Adams stated that the report goes to the New Hampshire department of
68 environmental services. Councilor Green asked Adams what the date of the letter is. Adams stated that it is August 27th, 2014.
69 Councilor Farrell asked Town Manager smith to get a copy of the report. Adams stated that in the court order, the Judge
70 recognized that they shouldn't have to continue to police the junkyard. Adams stated that she doesn't know any other way to
71 let the Council know about the late deliveries that occur on a regular basis. Adams stated that she doesn't want to have to come
72 back year after year to the Council with the same problems.

73
74 Keith Ganya, 84 Hall Road, stated that the hours of the junkyard, he lives on Hall Road and he understands there is a Court
75 order that the owner agreed to stop his work at 5 PM. Ganya stated that it should not be up to the neighbors to enforce those.
76 The trucks go by all times of the night. Ganya stated that it needs to be enforced by the Town.

77
78 Town Manager Smith stated that if anyone is at the meeting waiting for the update on the target shooting workshop in the
79 Musquash, Smith stated that the first workshop on it will be on Tuesday, October 7th at 7 PM in Moose Hill Council Room.
80 Everyone is welcome and it will be moderated by Chairman Dolan.

81
82 Richard Belinski, 89 Hall Road, stated that there was a fifty-seven day extension granted for the junkyard renewal. Belinski
83 stated that it was granted under the premise that everything in the Court order and through the Town would be followed for
84 those fifty-seven days. Belinski stated that it was extended again. Belinski stated that some things have gotten better, but the
85 hours of operation have not and they are in the agreement with the Town of Londonderry. Belinski stated that it is a
86 nonconforming use. Belinski stated that he wouldn't keep coming back unless things were enforced, especially the hours of
87 operation.

88
89 Mary Tetreau, 15 Isabella Drive, stated that the junkyard problem has been going on for too long. Tetreau stated that she is not
90 an abutter but she is shocked that this business has been able to operate in Londonderry as long as it has. Tetreau stated that
91 the place is clearly in violation.

92
93 Councilor Farrell stated that tomorrow is voting day in New Hampshire. The polls are open from 7 AM until 8 PM and there is
94 one polling location in Londonderry, the largest in the State of New Hampshire. It is the high school gym.

95
96
97
98 Councilor Farrell introduced John Vogl, GIS Manager. Vogl presented the new updates on the outdoor recreation guide. Vogl
99 showed the Council the Council the updates and stated that the guide has been worked on since the beginning of the summer.
100 Vogl stated that there are a couple ways to access the page. Vogl introduced the 'read more' option when you click on the map

LONDONDERRY TOWN COUNCIL MEETING MINUTES

101 with information and details about certain paths and things that go on in Londonderry. The site is still under construction. All
102 the web work was done on site. The plan was written by Arnett Development Group and Bill Flynn. A final will be presented
103 to the Conservation Commission later in the month.

PUBLIC HEARING

104
105
106
107 Motion to enter Public Hearing made by Councilor Green and second by Councilor Freda. Chair votes 3-0-0.
108

109 Councilor Farrell introduced Ordinance #2014-04, An Amendment to the Municipal Code Relating to Nepotism and Conflicts
110 of Interest. Councilor Freda presented and read the Ordinance. Councilor Freda moved to amend section B, by adding the
111 following language, in the second paragraph, after the word additionally, to add the words ‘except where necessary in the
112 course of daily operations within a department’. Councilor Freda stated further down, beginning with the sentence, if an
113 employee after the word command, adding the words ‘except where necessary in the course of daily operations within a
114 department’. Councilor Farrell stated that the Council will take all amendments as one motion. Councilor Freda stated that the
115 proposed Ordinance is being presented for adoption based on the lack of an ordinance in nepotism policy in the Town. This
116 will bring Londonderry up to speed with the State and other Towns. Councilor Freda stated that this ordinance does not
117 prevent individuals in a family from having employment with the Town, it just tried to illuminate hiring and supervisions
118 decisions by related parties. Councilor Farrell opened the Public Hearing up to the public.

119
120 Jake Butler, 57 Mammoth Rd, asked the Council if this ordinance will affect him personally getting a job in Londonderry, with
121 family members already employed. Councilor Freda stated that is would affect him if his brother, Bo Butler, was the one
122 hiring him. He would have to step aside and someone else would have to do the hiring. Butler stated that his biggest thing is
123 that it doesn’t affect him in his business.

124
125 Motion to approve Ordinance #2014-04 as amended made by Councilor Green and second by Councilor Freda. Chair votes 3-
126 0-0.

127
128 Councilor Farrell introduced Resolution #2014-01, A Resolution Relative to Designating the Local Scenic Byway committee.
129 John Vogl, GIS Manager, presented. Vogl stated that they are looking for a formal naming of the Heritage Committee to serve
130 as the Local Byway Advisory Committee. The designation of the Appleway in Londonderry was put in place in 1996.
131 Presently the State is looking to de-designate those programs that don’t have a Committee or a plan in place. Vogl stated that a
132 plan is in the works. Motion to approve Resolution #2014-01 made by Councilor Green and second by Councilor Freda. Chair
133 votes 3-0-0.

134
135 Motion to close Public Hearing made by Councilor Freda and second by Councilor Green. Chair votes 3-0-0.
136

OLD BUSINESS

137
138
139 Town Manager Smith stated changes that will be made to the Town’s fireworks Ordinance. Smith presented a copy of the
140 current Municipal Code as it pertains to fireworks in the Town and a draft revision of it. Smith stated that it will be done by
141 Ordinance. Smith stated that he met with neighbors who have been dealing with late night fireworks being set off. Smith stated
142 that he met with the fire department to see what could be done to curb the issue. Smith presented the bold changes. Smith
143 stated that the State Statutes have changed on fireworks and there are two kinds of fireworks now. Your display fireworks,
144 which are Class B fireworks and you have your consumer permissible fireworks, which are Class C fireworks. That is not
145 listed on the Ordinance. Smith went through changes. Smith stated that you are currently only needing a permit if you are
146 shooting off five hundred dollars’ worth of fireworks or more. Smith stated that permits will be limited now, and everyone will
147 have to get a permit. It will be capped at a maximum of twelve per calendar year. Smith also discussed the safety regulations.
148 Smith stated the permit fees have also been removed. Smith got permission from the Council to proceed.
149

LONDONDERRY TOWN COUNCIL MEETING MINUTES

NEW BUSINESS

150
151
152 Councilor Farrell introduced Order #2014-19, the Expendable Maintenance Trust Fund for Various Projects. Janusz
153 Czyzowski, Public Works Director, stated that they are replacing a truck. Councilor Green asked Czyzowski what happened to
154 Colonial in the bid process. Czyzowski stated that they didn't bid. Czyzowski stated that it was advertised in the paper. Motion
155 to approve Order #2014-19 made by Councilor Green and second by Councilor Freda. Chair votes 3-0-0.

156
157 Councilor Farrell introduced Resolution #2014-02, a Discontinuance of Highway, a portion of Reed Street and Resolution
158 #2014-03, Discontinuance of Highway, a portion of Golen Drive. Councilor Farrell stated that this is the first reading.
159 Czyzowski stated that these roads are being discontinued as a part of the proposal of the new plan for the elderly housing
160 project. No questions from the Council. Motion to wave the first reading of Resolution #2014-02 and Resolution #2014-03
161 made by Councilor Freda and second by Councilor Green. Chair votes 3-0-0.

162
163 Councilor Farrell introduced Order #2014-20, the Expenditure of the Roadway Maintenance Trust Fund for Public Works, to
164 build the third phase of Litchfield Road and Maureen Drive. Motion to approve Order #2014-20, to expend up to \$800,000,
165 made by Councilor Green and second by Councilor Freda. Chair votes 3-0-0.

APPROVAL OF MINUTES

166
167
168
169 Motion to approve the Town Council minutes from August 11, 2014 made by Councilor Freda and second by Councilor
170 Green. Chair votes 3-0-0.

LIAISON REPORTS

171
172
173
174 NONE

COMMITTEE APPOINTMENTS/REAPPOINTMENTS

175
176
177 Motion to appoint Ann Chiampa to the Alternate position on the Planning Board made by Councilor Freda and second by
178 Councilor Green. Chair votes 2-0-1. Councilor Farrell stated last meeting there was information he did not have and based on
179 learning that information since the last meeting he will obtain. Councilor Farrell reminded Chiampa that she needs to resign
180 from the Heritage Commission before she can take Oath of Office for the Planning Board.

181
182 Town Manager Smith announced that the Public Hearings for the road discontinuances will be October 6th so that there is
183 enough time to post it.

ADJOURNMENT

184
185
186
187 Motion to adjourn made by Councilor Green and second by Councilor Freda. **Chair votes 3-0-0.**

188
189
190 Notes and Tapes by: Kirby Wade Date: 09/08/14
191 Minutes Typed by: Kirby Wade Date: 09/11/14
192 Approved by: Town Council Date: 09/22/14
193

194