

TOWN COUNCIL AGENDA
June 19, 2017
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.) **Resolution #2017-07 – A Resolution Renaming The Londonderry Cable Access Center in Honor of Dottie Grover**
- 2.) Pursuit of Accreditation through Commission of Accreditation of Law Enforcement (CALEA)
Presented by Chief Bill Hart
- 3.) Senior Resources Committee Outreach Initiative
Presented by Bonnie Roberts
- 4.) **CIP Nomination/Appointments**
- 5.) Certificate of Appreciation for John Perry
Presented by Chief Darren O'Brien
- 6.) **Presentation by National Grid**

C. PUBLIC HEARING

- 1.) **Ordinance #2017-04 – Ordinance Restricting Residential Outdoor Lawn Watering**
- 2.) Land Sale Agreement between the Town of Londonderry and Cross Farm Development, LLC
- 3.) Acceptance of Unanticipated Funds and Non-Monetary Donations under RSA 31:95

D. OLD BUSINESS

E. NEW BUSINESS

- 1.) **Resolution #2017-04 – A Resolution Relative to the Acceptance of Non-Monetary Donations Under RSA 31:95-e**
Presented by Doug Smith

- 2.) **Resolution #2017-05** – A Resolution Relative to the Acceptance of Unanticipated Revenue Under RSA 31:95-b
Presented by Doug Smith
- 3.) **Resolution #2017-06** – A Resolution Relative to the Acceptance of Unanticipated Revenue Under RSA 31:95-b
Presented by Chief Darren O'Brien
- 4.) **Order #2017-16** – The Licensing of a Junkyard Pursuant to RSA 236 (S&S Metals)
Presented by Richard Canuel
- 5.) **Order #2017-17** – The Licensing of a Junkyard Pursuant to RSA 236 (Londonderry Salvage Facility)
Presented by Richard Canuel
- 6.) **Order #2017-18** – The Licensing of a Junkyard Pursuant to RSA 236 (Murray's Auto)
Presented by Richard Canuel

F. APPROVAL OF MINUTES

- 1.) Approval of June 5, 2017 Town Council Minutes

G. OTHER BUSINESS

Liaison Reports
Town Manager Report
Assistant Town Manager Report
Board/Committee Appointments/Reappointment

H. ADJOURNMENT

I. MEETING SCHEDULE

Town Council Meeting – 07/10/17 Moose Hill Council Chambers, 7:00 PM
Town Council Meeting – 08/14/17 Moose Hill Council Chambers, 7:00 PM
Town Council Meeting – 09/04/17 Moose Hill Council Chambers, 7:00 PM
Town Council Meeting – 09/18/17 Moose Hill Council Chambers, 7:00 PM



**Town of Londonderry
Planning and Economic Development Department**

268B Mammoth Road
Londonderry, NH 03053
Phone 603.432.1100 x 134
www.londonderrynh.org

To: Town Council
From: Colleen P. Mailloux, AICP, Town Planner
Date: June 19, 2017
Subject: **2019-2024 Capital Improvement Program (CIP) Committee**

In accordance with Section 5.5 of the Town Charter, and RSA 674:5, the Town Council must appoint the members of the Capital Improvements Program (CIP) Committee. By Town Charter, the CIP Committee is comprised of one (1) member of the Town Council, one (1) member of the School Board, one (1) member of the Budget Committee and two (2) members of the Planning Board. The following Committee members have been nominated by their respective boards for appointment to the Committee by the Council:

- Town Council Representative (1) – John Farrell
- School Board Representative (1) – Steve Young (Leitha Reilly- alternate)
- Budget Committee Representative (1) – Tim Siekmann (Christine Patton – alternate)
- Planning Board Representatives (2) – Mary Wing Soares and Rick Brideau

The CIP Committee is tasked with preparing and submitting a Capital Improvements Plan to the Planning Board, which will then hold a public hearing on the plan. The Planning Board will finalize recommendations, adopt the CIP plan and forward the plan to the Town Council and School Board for consideration.

Staff recommends that the Council accept the nominations as presented and appoint the above listed individuals to the 2019-2024 Capital Improvement Plan Committee.

Size 2c x 3



TOWN OF LONDONDERRY LEGAL NOTICE

The Londonderry Town Council will hold a PUBLIC HEARING on the following item:

1. **Ordinance #2017-04 - Ordinance Restricting Residential Outdoor Lawn Watering**

The Public Hearing is scheduled for Monday, June 19, 2017 at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053. A copy of the proposed amendment may be viewed at the Town Manager's office during regular business hours and online at www.londonderrynh.org.

TOWN OF LONDONDERRY

NOTICE OF PUBLIC HEARING

ACCEPTANCE OF UNANTICIPATED FUNDS AND NON-MONETARY DONATIONS UNDER RSA 31:95

The Londonderry Town Council will hold a public hearing pursuant to RSA 31:95-b, acceptance of unanticipated funds in excess of \$10,000, and RSA 31:95-e, acceptance of gifts valued in excess of \$5,000, for the fiscal year ending June 30, 2017.

The public hearing will be held on Monday, June 19, 2017 at a meeting of the Council scheduled to begin at 7:00 p.m. in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH. Information on the funds to be accepted is available in the Finance Office during regular business hours. The public is urged to attend.

LAND SALE AGREEMENT

This Land Sale Agreement ("Agreement") is dated as of April 21, 2017 and is made by and between **Town of Londonderry**, a body corporate and politic, and a political subdivision of the State of New Hampshire with an address of 268B Mammoth Road, Londonderry, New Hampshire 03053 ("Town"); and **Cross Farm Development, LLC**, a New Hampshire corporation with an address of P. O. Box 543, Londonderry, NH 03053 15 Dartmouth Dr. #102, Auburn, New Hampshire 03032 ("Cross Farm").

RECITALS

WHEREAS, the Town has the opportunity to purchase from the State of New Hampshire Department of Transportation ("DOT") a 2.8+/- acre portion of the State-owned Controlled Access Right-of-Way located on the Northerly side of NH Route 102 in the Town and adjacent to the parcel shown of Londonderry Tax Maps on Tax Map 6, Lot 59-1 (the "Property");

WHEREAS, certain conditions exist for the Town to purchase the Property from DOT, including: (1) an access point must be provided to the parcel from NH Route 102; and (2) the preparation of a survey plan by a licensed land surveyor describing the parcel, and recording the plan in the Rockingham County Registry of Deeds;

WHEREAS, Cross Farm desires to purchase the Property immediately after the Town purchases the Property from DOT;

WHEREAS, the Town desires to sell the Property to Cross Farm after purchasing the Property from DOT because Cross Farm's ownership of the Property will allow Cross Farm to secure access to its on-going development from NH Route 102; and

WHEREAS, the Town and Cross Farm wish to document their Agreement pursuant to which the Town will purchase the Property from DOT, and Cross Farm will immediately thereafter purchase the Property from the Town.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the receipt and adequacy of which is hereby acknowledged by the parties hereto, the Town and Cross Farm agree as follows:

1. The Town shall exercise its option to purchase the Property from DOT for a purchase price of Three Hundred Sixty Thousand Dollars (\$360,000.00), plus an Administrative Fee of One Thousand One Hundred (\$1,100.00).
2. The Town shall exercise its best efforts to complete the process necessary for the purchase of the Property from DOT. Cross Farm understands that the Londonderry Town Council is required to submit the proposed purchase and the subsequent sale to the Planning Board and Conservation Commission for their review and recommendation. Thereafter, the Town Council must conduct two public hearings at least 10 days but not more than 14 days apart on the proposed purchase and subsequent sale of the Property. Between 7 and 14 days following the second public

hearing, the Town Council shall vote on the proposed purchase and subsequent sale of the Property, unless a petition is submitted to the Town Council in advance of the vote pursuant to RSA39:3.

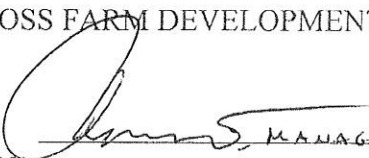
3. In the event the Town Council votes to purchase the Property following the process described above, the Town shall inform Cross Farm of the date of the closing on the purchase of the Property from DOT. Not less than five (5) business days in advance of the closing on the Town's purchase of the Property from DOT, Cross Farm shall pay the Town the amount of Three Hundred Sixty-One Thousand One Hundred Dollars (\$361,100.00) for the purchase of the Property from the Town immediately following the Town purchasing the Property from DOT.
4. The Town and Cross Farm shall close on the sale of the Property from the Town to Cross Farm immediately, meaning not less than two (2) business days after the Town closes on the purchase of the Property from DOT.
5. Cross Farm shall pay all additional costs related to the Town's purchase of the Property from DOT, and Cross Town's purchase of the Property from the Town, including the costs of the survey plan referenced in the Recitals above, preparation of the deed and any additional necessary documents for the sale of the Property from the Town to Cross Town, and all recording fees with the Rockingham County Registry of Deeds.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

TOWN OF LONDONDERRY,
NEW HAMPSHIRE

By:  5/1/17
Name: Kevin Smith
Title: Town Manager

CROSS FARM DEVELOPMENT, LLC

By:  MANAGER
Name: _____ 4-26-17
Its duly authorized:

ORDINANCE 2017-04

Ordinance Restricting Residential Outdoor Lawn Watering

First Reading: 06/05/2017

Second Reading/Public Hearing: 6/19/2017

Adopted: 6/19/2017

SECTION I: PURPOSE AND AUTHORITY

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

SECTION II: APPLICABILITY

This Ordinance shall apply to all residential outdoor lawn watering within the Town of Londonderry when an executive or an administrative agency of the state or federal government has designated the region that includes Londonderry as being under a declared state or condition of drought, the Town Council has recognized the existence of a drought in Londonderry, and the Town Council has implemented restrictions as described in this Ordinance.

SECTION III: DEFINITIONS

A. Drought: A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are among those used by the Town Council to determine the existence of a drought effecting the Town: i. The New Hampshire Drought Management Program, and/or ii. A drought declaration by the Governor's Office or NH DES

B. Residential Outdoor Lawn Watering: The application of water to an outdoor lawn at a property that's primary use is to provide living accommodations for people.

SECTION IV: RESTRICTIONS UNDER DROUGHT CONDITIONS

Once the Town Council has recognized the existence of a drought in Londonderry, the Town Council may implement a particular level of restrictions as deemed appropriate.

A. Level 1: 1) Residential outdoor lawn watering by odd numbered addresses is allowed on odd numbered days. 2) Residential outdoor lawn watering by even numbered addresses is allowed on even numbered days. 3) Residential outdoor lawn watering shall not occur between the hours of 8AM and 8PM.

B. Level 2: 1) Residential outdoor lawn watering by odd numbered addresses is allowed on Mondays and Thursdays. 2) Residential outdoor lawn watering by even numbered addresses is allowed on Tuesdays and Fridays. 3) Residential outdoor lawn watering shall not occur between the hours of 8AM and 8PM.

C. Level 3: 1) Residential outdoor lawn watering is prohibited.

SECTION V: PUBLIC NOTIFICATION OF WATER USE RESTRICTIONS

Notification of any intention to consider restricting residential outdoor lawn watering, such as described in Section IV, shall be given at least three (3) business days before the public meeting at which it will be discussed by the Town Council. If the Town Council decides to implement restrictions, such as described in Section IV, then notice of the chosen restrictions shall be posted in a paper of general circulation and shall be posted in at least two public places - one of which shall be the official Town website. The chosen restrictions shall become effective five calendar days from publication in a paper of general circulation.

SECTION VI: TERMINATION OF WATER USE RESTRICTIONS

Public notification for termination of residential outdoor lawn watering restrictions shall be given in accordance with Section V, except that the effective date for termination of any restrictions shall be immediate upon a decision by the Town Council.

SECTION VII: ENFORCEMENT

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

SECTION VIII: PENALTIES

Any residential property owner failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed to be in violation and subject to penalties pursuant to RSA 651:2. Violations shall be cumulative within a given calendar year, and shall reset at the end of a calendar year (i.e., the first violation at the start of a calendar year shall be deemed to be a first violation, notwithstanding the prior calendar year's history of violations, if any). Note that a residential property owner shall be deemed to be in compliance with Level 1 restrictions if their outdoor lawn watering complies with the more restrictive parameters of the Level 2 restrictions.

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

SECTION IX: SEVERABILITY

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

SECTION X: WAIVERS AND APPEALS

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

SECTION XI: AMENDMENTS

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

SECTION XII: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Town Council. Adopted this ____ day of _____, 2017.

Tom Dolan, Chairman
Londonderry Town Council

(TOWN SEAL)

Sherry Farrell
Town Clerk

A TRUE COPY ATTEST:
06/19/2017

RESOLUTION 2017-4

A Resolution Relative to the
Acceptance of Non-Monetary Donations Under RSA 31:95-e

First Reading: 06/19/17
Second Reading: Waived
Adopted: 06/19/17

WHEREAS the Town of Londonderry adopted the provisions of RSA 31:95-e with the passage of warrant article 20 at their March, 1994 town meeting; and,

WHEREAS the Town Council has complied with RSA 31:95-e, II relative to the acceptance of gifts of personal property in amounts exceeding \$5,000; and,

WHEREAS the Town has received non-monetary donations valued at \$.00 during the fiscal year ended June 30, 2017,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the donations appearing on the attached list, totaling \$.00 for the fiscal year ended June 30, 2017, are hereby accepted.

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:

06/19/17

FY 2017

RSA 31:95-e – Gifts & Donations

DONOR	DESCRIPTION	DONOR VALUE
Charles George Trucking	Digital Cameras for Police Dept.	\$ 1,200
Ford of Londonderry	Freightliner Van	\$13,000

RESOLUTION 2017-5

A Resolution Relative to the
Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 06/19/17
Second Reading: Waived
Adopted: 06/19/17

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

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

WHEREAS the Town has received unanticipated revenue in the amount of \$ during the fiscal year ended June 30, 2017,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the revenues appearing on the attached list, totaling \$ for the fiscal year ended June 30, 2017, are hereby accepted.

Tom Dolan - Chairman
Town Council

Sharon Farrell - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:

06/19/17

FY 2017

RSA 31:95-b - Unanticipated Revenues

POLICE DEPARTMENT GRANTS

GRANTING AGENCY	DESCRIPTION	GRANT AMOUNT	TOWN MATCH
NH DEPT. OF SAFETY	E-TICKET EQUIPMENT	\$14,400	\$3,600 (IN-KIND)
NH DEPT. OF SAFETY	ENHANCED AIRPORT SECURITY	\$20,000	NONE
US DEPT. OF JUSTICE	BULLET PROOF VEST PROGRAM	\$3,865	\$3,865
US DEPT. OF JUSTICE	BULLET PROOF VEST PROGRAM	\$9,311	\$9,311

POLICE DEPARTMENT DONATIONS

\$700 – FRIENDS OF LONDONDERRY PD

RESOLUTION 2017-6

A Resolution Relative to the
Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 06/19/17
Second Reading: Waived
Adopted: 06/19/17

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

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

WHEREAS the Londonderry Fire Department has been awarded a grant by the NH Department of Safety's Homeland Security & Emergency Management Division in the amount of \$3,000 to partially fund of the cost of Updating the Town's Local Emergency Operations Plan (LEOP), totaling \$6,000, during the fiscal year ended June 30, 2017; and,

WHEREAS the Londonderry Fire Department has sufficient funds in its FY 2017 budget to cover the requisite matching funds, \$3,000, for such grant,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the grant revenues for the Londonderry Fire Department, totaling \$3,000, for the fiscal year ended June 30, 2017, are hereby accepted, and the Town Manager is hereby authorized to to sign all documents related to the grant.

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk/Tax Collector

A TRUE COPY ATTEST:

06/19/17

ORDER #2017-16

An Order Relative to
THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 06/19/2017

Second Reading: Waived

Adopted: 06/19/2017

WHEREAS Vito J. Solomini, who resides at 39 Tsienneto Road, Derry, NH and is the owner of S & S Metals, 196 Rockingham Road, Londonderry, NH desires a license to continue operations of said business; and

WHEREAS Vito J. Solomini, has complied with the requirements of RSA 236; 111-129; and

WHEREAS the Londonderry Building/Health Inspector has inspected the premises and recommends insurance of the license; and

IT IS THEREFORE ORDERED by the Londonderry Town Council that Vito J. Solomini, doing business as S & S Metals, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
06/19/2017



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

MEMORANDUM

To: Town Council
From: Richard G. Canuel, Chief Building Inspector
Date: June 7, 2017
Subject: S&S Metals Recycling, Inc., 196 Rockingham Rd.

A year-end inspection of the subject junkyard was conducted on this date to determine compliance with license conditions in preparation for renewal.

No adverse conditions were observed during inspection that would prohibit renewal of this license.

The applicant continues to work with DES to maintain compliance with the recommended Best Management Practices (BMP). Due to the nature of the junkyard operation as determined by DES, Mr. Solimini is also required to maintain permit approval from the state as a scrap metal recycling facility for the non-automotive metals received at this site.

Recommendation: Based on the recent inspection and other visits to the property during the year, it appears that the applicant is operating within the requirements of their license, and renewal of the license is recommended.



TOWN OF LONDON DERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

May 24, 2017

Mr. Vito J. Solomini
39 Tsienneto Road
Derry, NH 03038

Re: S&S Metals 196 Rockingham Rd., Londonderry, NH Map 15 Lot 66

Dear Mr. Solomini:

It is time once again to begin the process of renewing your Junkyard Dealers license for the upcoming year in accordance with the provisions of RSA 236:121, II. As you know, this annual license expires on July 1st each year.

A renewal application form is attached for your convenience. The Town Council is scheduled to review your application at their June 19, 2017 meeting.

Please complete the application form and Compliance Certification Statement, and return those along with the application fee in the amount of \$250 prior to the scheduled hearing date.

Prior to the application hearing an inspection of the premises will need to be conducted by this office for the purpose of determining that your junkyard operation remains in compliance with the conditions of your license. **An inspection appointment has been tentatively scheduled for Wednesday June 7, 2017 at 11:00 am.** Please contact this office if this date and time is not convenient, and we can reschedule.

If you have questions at any time, please do not hesitate to contact me. Your cooperation in this matter is greatly appreciated.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Enforcement Officer



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

Name of Applicant: Vito J. Solimani Date: 6-5-17

Address: 39 Tsienneto Rd Derry N.H. 03038

Location of Junkyard: 196 Rockingham 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.
- c. Best Management Practice Compliance Certification Statement form.

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

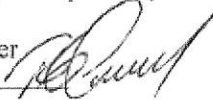
- a. May not become a public nuisance, RSA 236:119;
- b. May not violate the terms of RSA 236:111-129;
- c. May not have an adverse impact on the surrounding environment, RSA 236:111; and
- d. Must be completely surrounded with a solidly constructed fence at least six feet (6') in height which substantially 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.

Any person who is in violation of any provisions of this subdivision shall be guilty of a violation and each day or fraction thereof shall constitute a separate offense, in accordance with the provisions of RSA 236:127.

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, to the best of my knowledge the junkyard has been inspected and remains in compliance with town and state regulations, as required by statute.

Code Enforcement Officer 
Town of Londonderry

Fees Paid: \$ 250.00 Date: 4/7/2017 _____
Town Clerk

Receipt

Town of Londonderry

Town Clerks' Office
Londonderry, NH 03053

Receipt No: 491389
Printed Date: 6/7/2017
Time: 11:39 am
Page: 1

Customer: s s metals recycling

<u>Transaction</u>	<u>Description</u>	<u>Charges</u>
Other	(as follows)	\$250.00

<u>Bill Code</u>	<u>Charge Description</u>	<u>Quantity</u>	<u>UOM</u>	<u>Additional Details</u>	<u>Cost</u>	<u>Total</u>
JUNK	Junk Yard License	1.00	Ea		\$250.00	\$250.00

Compliance Certification Statement

for obtaining a license to operate an automotive recycling yard or motor vehicle junkyard license pursuant to RSA 236:115, II and RSA 236:121

Facility Name: S + S METALS RECYCLING INC
Facility Street Location: 196 ROCKWELL RD Town: LONDONDERRY
Facility Owner / Operator: Vito F. Solimani
This facility is an: existing facility (complete statement 1 below)
 proposed facility (complete statement 2 below)

1. For an EXISTING facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my own inspection and review of facility operations, I certify hereby that the facility is: (check one and sign beneath):

Operated in compliance with the BMPs established by DES

or

NOT operated in compliance with the BMPs. (Attach a full description of all aspects of the facility that are non-compliant, and provide a plan and schedule for achieving compliance. Prepare to present the same information at a hearing, to be scheduled by town officials pursuant to RSA 236:111-129).

Signed/under penalty of unsworn falsification:

Vito F. Solimani
Facility Owner / Operator Signature

6-5-17
Date

2. For a PROPOSED facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my personal inspection and review of the plans and specifications for the proposed facility, I certify hereby that the facility is designed and shall be operated in compliance with the BMPs established by DES.

Signed under penalty of unsworn falsification:

Facility Owner / Operator Signature

Date

* For a complete list of the referenced BMPs, see booklet titled "Motor Vehicle Salvage Yard Environmental Compliance Manual & Self-Audit Checklist" published by the Department of Environmental Services (DES). Copies are available by contacting the DES Green Yards Program for Auto Recyclers at 29 Hazen Drive, PO Box 95, Concord, NH 03302; email: nhgreennyards@des.state.nh.us; telephone: (603) 271-2938. Also, the booklet can be downloaded from the DES website at: <http://des.nh.gov/SWGreenYards/GYCComplianceManual.pdf>

Disclaimer: This sample form was prepared by the Department of Environmental Services (DES) to show the type of information local licensing officials might request of motor vehicle junkyard and automotive recycling yard license applicants in order to satisfy the BMP compliance certification license application requirements in RSA 236:115, II and RSA 236:121. Towns electing to use this form should consider having their municipal attorney review it for adequacy beforehand.



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

MEMORANDUM

To: Town Council
From: Richard G. Canuel, Chief Building Inspector
Date: June 7, 2017
Subject: Murray's Auto Recycling, 55 Hall Road

A year-end inspection of the subject junkyard was conducted on this date to determine compliance with license conditions in preparation for renewal.

Among the issues of particular concern, which have been a matter of contention regarding license renewal, include; **(1)** Stacking vehicles above the fence line, as required by Item 2.a. of the license conditions, **(2)** Operating outside of the license Hours of Operation, **(3)** Parking of equipment in the front lot, contrary to the 2000 Court Stipulation for Decree.

During the past year none of the above issues have been observed, and no complaints have been filed claiming non-compliance. There were at times, especially during the winter, when the fencing fabric needed attention. Once I pointed this out to Mr. Dudek, he took action to repair the fabric in a timely manner.

Insofar as the overall condition of the property is concerned, no adverse conditions were observed during this inspection. The applicant continues to work with DES to maintain compliance with the recommended Best Management Practices (BMP). Monitoring of the site continues in accordance with the DES Groundwater Management Permit. A proposed concrete pad has been recommended as an impervious barrier to help manage the discharge of contaminants. GeoInsight, Inc. is working with DES to finalize the pad details.

Recommendation: Based on the recent inspection and other visits to the property during the year, it appears that the applicant is operating within the requirements of their license, and renewal of the license is recommended, including the license conditions established for the 2015 license.

CONDITIONS OF JUNKYARD LICENSE ISSUED TO EDWARD DUDEK, Jr.
d/b/a MURRAY'S AUTO RECYCLING, 55 Hall Road, Londonderry, NH
Public Hearing held July 20, 2015

Based on its consideration of all information presented during the public hearing held on July 20, 2015, the Londonderry Town Council renews the junkyard license issued to Edward Dudek, Jr. d/b/a Murray's Auto Recycling pursuant to the following conditions:

1. Mr. Dudek shall continue to work with a properly licensed and qualified engineer to meet all State of New Hampshire Department of Environmental Services (NHDES) requirements. Copies of all reports and test results submitted to NHDES shall be provided to the Town.
2. Mr. Dudek shall comply with, and shall see that Murray's Auto Recycling ("Murray's") complies with, all federal, state and local code provisions, statutes, laws, administrative regulations, and ordinances, and all court orders, including but not limited to the Rockingham County Superior Court Order dated December 16, 1997 and the Stipulation for Decree executed on April 18, 2000 and approved by the Rockingham County Superior Court on April 28, 2000, copies of which are attached to, and incorporated into, this license.
3. Mr. Dudek shall maintain the 8-foot high gate located at the rear of the Front Lot of the property.
4. Mr. Dudek shall maintain the existing wooden fence on the westerly side of the property, including that which was completed with the construction of the garage, as approved by the Planning Board in 2007, and the approximately 100 additional feet of 6-foot tall stockade fence that was added in 2014.
5. Mr. Dudek shall maintain the double fabric layers that currently exist above the wooden fence, with both layers secured to the fence to eliminate flapping.
6. Mr. Dudek and Murray's shall not store or park junk vehicles outside of the fenced area at any time. Pursuant to RSA 236:112(c), "junk vehicle" is defined as "(1) [m]otor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or (2) [u]sed parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle."
7. The hours of operation for Murray's shall be limited to Monday through Saturday 8:00 a.m. to 5:00 p.m. Murray's is allowed to transact business and perform junkyard operations only during these hours of operation. "Junkyard operations" shall include: (a) Mr. Dudek or his employees conducting business with the public; and (b) Mr. Dudek or his employees engaging in physical activity or labor inside the fence. "Junkyard operations" shall not include: (a) Mr. Dudek or his employees working before or after the hours of operation behind the fence or in the office, provided that such work does not create sufficient noise to create a breach of the peace pursuant to RSA 644:2, II; or (b) the departure or arrival of the motor vehicles at Murray's before or after the hours of operation, without further activity, provided that such work does not create sufficient noise to create a breach of the peace pursuant to RSA 644:2, II. Motor vehicles shall not be allowed to return to Murray's after 8:00 p.m.
8. Junk vehicles, junk, and any other items located on the property shall not be stacked above the existing fencing. In other words, there shall be no area inside the fencing where junk vehicles, junk, or other items are stacked above the height of the fencing.
9. Any failure to comply with the foregoing license conditions shall be grounds for the Town Council to revoke Mr. Dudek's license, upon notice and a public hearing.

ORDER #2017-17

An Order Relative to

THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 06/19/2017

Second Reading: Waived

Adopted: 06/19/2017

WHEREAS Anthony Iodice, who resides at 211 Rockingham Rd, Londonderry, NH and is the owner of Londonderry Salvage, 211 Rockingham Road, Londonderry, NH desires a license to continue operations of said business; and

WHEREAS Anthony Iodice, has complied with the requirements of RSA 236; 111-129; and

WHEREAS the Londonderry Building/Health Inspector has inspected the premises and recommends insurance of the license; and

IT IS THEREFORE ORDERED by the Londonderry Town Council that Anthony Iodice, doing business as Londonderry Salvage, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
06/19/2017



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

MEMORANDUM

To: Town Council
From: Richard G. Canuel, Chief Building Inspector
Date: June 7, 2017
Subject: Londonderry Salvage Facility (Iodice) Junkyard Inspection, 211 Rockingham RD.

A year-end inspection of the subject junkyard was conducted on this date to determine compliance with license conditions in preparation for renewal.

No adverse conditions were observed during inspection that would prohibit renewal of this license.

The applicant continues to work with DES to maintain compliance with the recommended Best Management Practices (BMP).

There are presently less vehicles on site compared to previous years, and the condition property is in a much cleaner state. The applicant has scaled back operations, and only processes the minimum number of vehicles to maintain his state license.

Recommendation: Based on the recent inspection and other visits to the property during the year, it appears that the applicant is operating within the requirements of their license, and renewal of the license is recommended.



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

May 24, 2017

Mr. Anthony Iodice
211 Rockingham Road
Londonderry, NH 03053

Re: Londonderry Salvage Facility 211 Rockingham Rd., Map 15 Lot 23

Dear Mr. Iodice:

It is time once again to begin the process of renewing your Junkyard Dealers license for the upcoming year in accordance with the provisions of RSA 236:121, II. As you know, this annual license expires on July 1st each year.

A renewal application form is attached for your convenience. The Town Council is scheduled to review your application at their June 19, 2017 meeting.

Please complete the application form and the Compliance Certificate Statement, and return those along with the application fee in the amount of \$250 prior to the scheduled hearing date.

Prior to the application hearing an inspection of the premises will need to be conducted by this office for the purpose of determining that your junkyard operation remains in compliance with the conditions of your license. **An inspection appointment has been tentatively scheduled for Wednesday June 7, 2017 at 2:00 pm.** Please contact this office if this date and time is not convenient, and we can reschedule.

If you have questions at any time, please do not hesitate to contact me. Your cooperation in this matter is greatly appreciated.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Enforcement Officer



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

Name of Applicant: ANTHONY IODICE Date: 5/31/17
Address: 211 ROCKINGHAM RD LONDONDERRY
Location of Junkyard: 211 ROCKINGHAM RD LONDONDERRY

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:

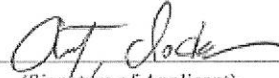
- a. All state permits and supporting documentation, e.g., motor vehicle dealer's permit, inspection station's permit, etc.
- b. Any environmental studies, reports developed by or on behalf of or in the possession of the applicant or notices from the New Hampshire Department of Environmental Services.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

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.


Any person who is in violation of any provisions of this subdivision shall be guilty of a violation and each day or fraction thereof shall constitute a separate offense, in accordance with the provisions of RSA 236:127.

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, to the best of my knowledge the junkyard has been inspected and remains in compliance with town and state regulations, as required by statute.

Code Enforcement Officer 
Town of Londonderry

Fees Paid: \$ 250.00 Date: 5/31/2017 _____
Town Clerk

Receipt

Town of Londonderry

Town Clerks' Office
Londonderry, NH 03053

Receipt No: 490427
Printed Date: 5/31/2017
Time: 11:32 am
Page: 1

Customer: ANTHONY IODICE

<u>Transaction</u>	<u>Description</u>	<u>Charges</u>
Other	(as follows)	\$250.00

<u>Bill Code</u>	<u>Charge Description</u>	<u>Quantity</u>	<u>UOM</u>	<u>Additional Details</u>	<u>Cost</u>	<u>Total</u>
JUNK	Junk Yard License	1.00	Ea		\$250.00	\$250.00

Compliance Certification Statement

for obtaining a license to operate an automotive recycling yard or motor vehicle junkyard license pursuant to RSA 236:115, II and RSA 236:121

Facility Name: LONDONERRY SALVAGE
Facility Street Location: 211 ROCKING HAMP Town: LONDON PERRY
Facility Owner / Operator: ANTHONY TOPICE
This facility is an: existing facility (complete statement 1 below)
 proposed facility (complete statement 2 below)

1. For an EXISTING facility, complete this statement and attach to the license application:

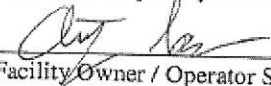
I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my own inspection and review of facility operations, I certify hereby that the facility is: *(check one and sign beneath)*:

Operated in compliance with the BMPs established by DES

or

NOT operated in compliance with the BMPs. (Attach a full description of all aspects of the facility that are non-compliant, and provide a plan and schedule for achieving compliance. Prepare to present the same information at a hearing, to be scheduled by town officials pursuant to RSA 236:111-129).

Signed under penalty of unsworn falsification:


Facility Owner / Operator Signature

5/31/17
Date

2. For a PROPOSED facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my personal inspection and review of the plans and specifications for the proposed facility, I certify hereby that the facility is designed and shall be operated in compliance with the BMPs established by DES.

Signed under penalty of unsworn falsification:

Facility Owner / Operator Signature

Date

* For a complete list of the referenced BMPs, see booklet titled "Motor Vehicle Salvage Yard Environmental Compliance Manual & Self-Audit Checklist" published by the Department of Environmental Services (DES). Copies are available by contacting the DES Green Yards Program for Auto Recyclers at 29 Hazen Drive, PO Box 95, Concord, NH 03302; email: ahgrecycling@des.state.nh.us; telephone: (603) 271-2938. Also, the booklet can be downloaded from the DES website at: <https://des.aah.gov/SWGreenYards/GYComplianceManual.pdf>

Disclaimer: This sample form was prepared by the Department of Environmental Services (DES) to show the type of information local licensing officials might request of motor vehicle junkyard and automotive recycling yard license applicants in order to satisfy the BMP compliance certification license application requirements in RSA 236:115, II and RSA 236:121. Towns electing to use this form should consider having their municipal attorney review it for adequacy beforehand.

ORDER #2017-18

An Order Relative to

THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 06/19/2017

Adopted: 06/19/2017

WHEREAS Edward Dudek, Jr., who resides at 36 Strafford Lane, Bedford, NH and is the owner of Murrays Auto Recycling, 55 Hall Road, Londonderry, NH desires a license to continue operations of said business; and

WHEREAS Edward Dudek, Jr. has complied with the requirements of RSA 236; 111-129; and

IT IS THEREFORE ORDERED by the Londonderry Town Council that Edward Dudek, Jr., doing business as Murrays Auto Recycling, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
06/19/2017



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
432-1100 ext. 115 Fax: 432-1128

May 24, 2017

Mr. Edward Dudek
55 Hall Road
Londonderry, NH 03053

Re: Murray's Auto Recycling 55 Hall Rd., Londonderry, NH Map 15 Lot 13

Dear Mr. Dudek:

It is time once again to begin the process of renewing your Junkyard Dealers license for the upcoming year in accordance with the provisions of RSA 236:121, II. As you know, this annual license expires on July 1st each year. A renewal application form is attached for your convenience.

A renewal application form is attached for your convenience. The Town Council is scheduled to review your application at their June 19, 2017 meeting.

Please complete the application form and Compliance Certification Statement return those along with the application fee in the amount of \$250 prior to the scheduled hearing date.

Prior to the application hearing an inspection of the premises will need to be conducted by this office for the purpose of determining that your junkyard operation remains in compliance with the conditions of your license. **An inspection appointment has been tentatively scheduled for Wednesday, June 7, 2017 at 10:00 am.** Please contact this office if this date and time is not convenient, and we can reschedule.

If you have questions at any time, please do not hesitate to contact me. Your cooperation in this matter is greatly appreciated.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer



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

Name of Applicant: EDWARD BUCKLE Date: 5/30/17

Address: 36 FRAFFORD LN ANDOVER NH 03024

Location of Junkyard: MURRAY AVENUE ROXFORD 55 HILL RD. LONDONDERRY NH

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.
- c. Best Management Practice Compliance Certification Statement form.

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.

Any person who is in violation of any provisions of this subdivision shall be guilty of a violation and each day or fraction thereof shall constitute a separate offense, in accordance with the provisions of RSA 236:127.

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, to the best of my knowledge the junkyard has been inspected and remains in compliance with town and state regulations, as required by statute.

Code Enforcement Officer
Town of Londonderry _____ 

Fees Paid: \$ 250.00

Date: 7/20/2017

Town Clerk

Receipt

Town of Londonderry

Town Clerks' Office
Londonderry, NH 03053

Receipt No: 490093
Printed Date: 5/30/2017
Time: 10:53 am
Page: 1

Customer: MURRAYS AUTO RECYCLING

<u>Transaction</u>	<u>Description</u>	<u>Charges</u>
Other	(as follows)	\$250.00

<u>Bill Code</u>	<u>Charge Description</u>	<u>Quantity</u>	<u>UOM</u>	<u>Additional Details</u>	<u>Cost</u>	<u>Total</u>
JUNK	Junk Yard License	1.00	Ea		\$250.00	\$250.00

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **June 5, 2017**

2
3 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth
4 Road, Londonderry, NH.

5
6 Present: Chairman Tom Dolan; Vice Chairman John Farrell; Councilors Ted Combes, Jim Butler and Joe
7 Green; Town Manager Kevin Smith; Executive Assistant Kirby Wade;

8
9 **CALL TO ORDER**

10
11 Chairman Dolan called the Town Council special meeting to order. Chairman Dolan led the Pledge of
12 Allegiance. This was followed by a moment of silence for those who serve us in uniform both here and
13 abroad and for the victims of the recent terrorist attack in the UK.

14
15 **PUBLIC COMMENT**

16
17 Chairman Dolan opened up public comment. Dolan stated that the last few meetings it has been
18 discussed about the opioid problem we have in New Hampshire. Dolan spoke to the danger of
19 carfentanil, often used when putting down elephants. It is now showing itself on the streets. Dolan stated
20 that when your children go out and play in the parks, keep your eyes open for needles.

21
22 Chairman Dolan talked about informing veterans who may be suffering from PTSD when you will be
23 setting off fireworks this 4th of July and to be sensitive to those around you.

24
25 Deanna Mele, 8 Valley St, stated the following your comment about the syringes and needles being
26 found on the side of the road, I had an incident where I was cleaning up the side of my property. People
27 ride by and leave beer cans and plastic bottles. I did find a needle with syringe and it was exposed down
28 on the corner where I really can't see what they're doing down there at night or during the day. I did call
29 the police and they did come take it away with caution. It has been reported. I asked them to keep an eye
30 on the area because I don't want people down there. If you are out there cleaning up your area you might
31 suggest that they also wear gloves and protect themselves.

32
33 Dep Paul, 118 Hardy Rd, wanted to know if the Council was getting any closer to a date and time that
34 there will be a workshop for growth Ordinance management. Town Manager Smith stated that he would
35 like some direction as to when they should occur. In the summer or in the fall. Chairman Dolan stated
36 that it doesn't matter to him when they take place. Councilor Butler asked Paul when she would like to
37 see them. Paul stated that she would like to see them asap because there us a lot of growth going on.

38
39 There was no other public comment

LONDONDERRY TOWN COUNCIL MEETING MINUTES

PUBLIC HEARING

- 42
43
44 Motion to open Public Hearing made by Councilor Green and second by Councilor Butler. Chair votes
45 5-0-0.
46
47 Chairman Dolan introduced Ordinance #2017-03, an amendment to the restriction of removing water
48 from public bodies of water for commercial use. Town Manager Smith stated that this is an amendment
49 to an Ordinance that we had at the time of the drought. Smith stated that it had been originally banned.
50 What this Ordinance seeks to do, ban it permanently going forward, drought or no drought.
51
52 Remy Fortin, 7 Shasta Dr, stated that one of the problems that we will have with this Ordinance is that
53 DES allows bulk water transporters that offer such services as filling swimming pools, hydro seeding,
54 construction sites, etc. often draw waters from rivers or lakes. These are allowed in NH without a
55 permit. Fortin referred to State law and regulations. Fortin stated that he is withdrawing water that also
56 is used from same river/brook that the Town is using for irrigating their soccer field. If you're going to
57 put the Ordinance in place, the Town shouldn't be allowed to pull water either. Fortin stated that there is
58 so much water drawn by the Town to water the soccer fields that they drop the water lever down
59 somewhere around thirty inches and dried up a lot last year downstream. Vice-Chair Farrell stated that
60 in the State of NH, the Town doesn't have to follow its own Ordinance. Smith stated that the water
61 companies have specific pickup sites.
62
63 Marge Baidous, 189 Litchfield Rd, Conservation Commission, stated that one of the key components
64 that need to be kept in mind is permission. Anyone taking water from property that doesn't belong to
65 them needs permission from that owner. Chairman Dolan stated that we rely on people to help us
66 enforce these things. Let the Police Department know.
67
68 Deanna Mele, 8 Valley, word for word.
69
70 Mele: I'm getting a little confused about all of this sitting back there listening to everything. We have an
71 Ordinance that has to do with irrigating the lawn and everything that we just discussed.
72
73 Dolan: No that's expires.
74
75 Mele: I know, right. We put the Ordinance in effect that if and when, we are making an Ordinance to
76 keep in the books, so that if and when this happens again.
77
78 Dolan: We haven't discussed that yet. That's on our agenda.
79
80 Mele: That's what I wanted to clarify. Now as far as this Kendall Pond area, I was very concerned about
81 that area as I have said many times. I have done a lot of research and I have also checked with the Town.
82 That is Town owned property. I don't see why the Town of Londonderry does not have the right to put a

LONDONDERRY TOWN COUNCIL MEETING MINUTES

83 sign down there. It is Town owned property and I don't think the Town is going to give people
84 permission to go down there and draw water out of there. I hope not! We went through all of this at the
85 drought. I saw vehicles down there with hardly any water down there and they are still sucking the water
86 out for their businesses. They don't care about the well owners and people around there. Apparently they
87 have no concern about anyone else except getting that water and taking it out and putting it on the grass
88 and making money on it. That should not be. Since the sign is very helpful, since the sign has been down
89 there and we have been doing a lot of talking about this and since they were told, I have noticed people
90 down there fishing, enjoying the area. This is what the area was for many years ago when I moved up
91 here. We didn't have all these people down there drawing water out of that area, on Kendall Pond. It's
92 beautiful, it's wonderful. The kids use to go down and feed the ducks. They haven't gone down there as
93 yet, I haven't seen them feed the ducks but I see young men and I see older men down there with their
94 fishing poles sitting in their chairs with the poles in the water, the lines in the water fishing, relaxing,
95 enjoying it. Getting away from the toils of everyday activities. This is what that area is for. It is town
96 owned property. The town should not be giving anyone the right to go down there and draw water out of
97 that property. Not only that, it's not safe for them to take it because of the way the road is made and
98 there's a lot of traffic and there is nowhere actually to pull in and park. They shouldn't be down there
99 and as far as taking water from any of our waterways, we have abused this. It is about time we looked at
100 this a little differently. Too many of the landscapers and hydro seeders, as I say other people, have been
101 going down there and abusing this to the point now that we have to do something. We have to do
102 something to protect that waterways, protect the land, protect the well owners, and protect the
103 individuals. Yes, the person who owns the water, owns the property next to the water has rights can give
104 permission for someone to take the water but hopefully if they are doing that they will be conscience
105 about how much they are taking and I have been told while they have so much they can take, they can
106 go to one place and get the water, they don't hit their full quota, they just go to another place and take it.
107 This is a very important issue and the town should really be protecting their waterway and it is nice to
108 have green grass. I love grass, I love beautiful scenery, I like the waterways, I like nature. We are
109 destroying all of these things by not taking care of them properly. We do have to have an Ordinance and
110 people who are responsible. People who are taking the water as well as the owners of the property. I am
111 hoping the Town is really going to make this point very clear. Thank you.

112
113 The Council discussed adopting the Ordinance. Vice Chair Farrell stated that he would adopt the
114 Ordinance. Farrell stated that the companies have the ability to go get the water somewhere else. Farrell
115 stated that he agrees that they need to do more homework.

116
117 Councilor Green stated that we don't have anything to stop anyone right now and it's important that we
118 do. Councilor Green motioned to pass and approve Ordinance #2017-03 as written. Second by Vice
119 Chairman Farrell. Farrell stated to put a time clock on it to forces our hand to fix the Ordinance.
120 Councilor Green amended his motion. Assistant Town Manager Lisa Drabik stated that if you want to
121 put a time limit on it, the language needs to be put in the first paragraph and the last paragraph. Make it
122 state 60-day mandatory ban. Councilor Green amended his motion for the 60-day's in both sections.
123 Vice Chairman Farrell second. Chair votes 5-0-0.

124
125 Motion to close public hearing made by Councilor Green and second by Councilor Butler. Chair votes
126 5-0-0.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

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OLD BUSINESS

NONE

NEW BUSINESS

Chairman Dolan introduced the update to the senior transportation issue. We had a vote at the election to take over senior transportation changes. Assistant Town Manager Lisa Drabik gave an update. Drabik stated that it was article #21 on the ballot. The citizens authorized the Town to appropriate \$35,000 for the purpose of supplementing the transportation for those who currently use the CART program. Drabik recapped what CART provides to the Town already. CART provides the town with statistics about the number of unduplicated riders that uses CART. In the last fiscal year we only had 38 unduplicated riders. Because CART is recipient of federal funding, they have to meet very specific driver and vehicle standards. They have three types of services. A shuttle service (like a bus) which is free, the have an on demand service (taxi) which is \$3 if you stay in town and \$4 if you go between towns, and they have a ride that goes to hospitals in Manchester which cost \$5. Drabik talked about Green Cab which is the local Londonderry taxi company. Drabik stated that she has talked to the owner about working with the Town and using Green Cab to supplement CART. For those riders who can't be accommodated by CART. She would maintain fare slips for each ride which would indicate the place and time of pickup and drop-off and the amount of the ride and the rider would sign off on the slip. Drabik stated that we could have the rider pay the \$5 and they would invoice the town for the rest, we could do a simple 50/50 split. You can portion it however you like. Drabik stated that CART is willing to take an extra step with their dispatch center. Vice Chairman Farrell proposed that a 90-day pilot be put into place starting July 1 and readdress it September 4th to give us an idea of how it worked out over the summer. We use the Green Cab piece, it may even be doable to pick up the tab for the first 90 days so we can find out who the silent sufferers are and what the issues are and after the 90 days move to a 50/50 split of some sort. Drabik stated that there needs to be accountability built in somehow that they have contact CART and been denied CART. Farrell suggested that for the pilot, if they don't contact CART, they pay half. If they do contact CART, we pay the whole thing. Senior Center Director will be the contact to keep track of the risers.

BOARD/COMMITTEE APPOINTMENT/RE-APPOINTMENT

Vice Chair Farrell asked for a jump in the agenda for the Town Council to interview Lynn Wiles for the Solid Waste and Environment Committee. Lynn Wiles introduced himself and stated that he lives at 46 Bartley Hill Rd. Council motioned to approve Wiles. Motion to approve made by Vice Chair Farrell and second by Councilor Butler. Chair votes 5-0-0.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

169 NEW BUSINESS

170

171 Chairman Dolan introduced Ordinance #2017-04, an Ordinance restricting residential outdoor law
172 watering. This is a first reading and there will be a public hearing on June 19th. Town Manager Smith
173 stated that this Ordinance was lifted word for word from the Town of Windham's Ordinance, put through
174 attorney Ramsdell and all of the wording looked good. This allows us to have a standing Ordinance on
175 restricting residential watering should we experience a drought again. Motion to waive the first reading
176 and set a Public Hearing made by Vice Chair Farrell and second by Councilor Green. Chair votes 5-0-0.

177

178

APPROVAL OF MINUTES

179

180 Approval of Town Council minutes from May 15, 2017 made by Vice-Chair Farrell and seconded by
181 Councilor Green. Chair votes 5-0-0.

182

183

TOWN MANAGER REPORT

184

185 The Council entered into Town Council Non-Public (personnel matter) RSA 91-A:3 IIa.

186

187

ADJOURNMENT

188

189 Motion to adjourn made by Councilor Green and second by Councilor Butler. Chair votes 5-0-0.

190

191 Notes and Tapes by: Your name Date: 06/05/2017

192 Minutes Typed by: Kirby Wade Date: 06/09/2017

193 Approved by: Town Council Date: 06/19/2017