

TOWN COUNCIL MEETING
February 19, 2007

The Council Meeting of February 19, 2007 was called to order at 7:04 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman, Brian Farmer; Vice Chairman, Joe Paradis; Mark Oswald; Tom Dolan, Marty Bove; Town Manager David Caron; and Margo Lapietro, Executive Assistant.

CALL TO ORDER

Chairman Farmer opened the meeting at 7:04 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women in the service and for those who have given their lives for this country.

PUBLIC HEARING

Ordinance 2007-01 – Relative to Amendments to the Zoning Ordinance Regarding Elderly Housing – This Ordinance was previously tabled on February 5. Planning Board (PB) members, Art Rugg, Rick Brideau, Mary Soares, Paul DiMarco, John Farrell, Chuck Tingler, Lynn Wiles and Robert Nichols were in attendance. Chairman Farmer asked for clarification from the PB on the Zoning Ordinance. Chairman of the Planning Board, A. Rugg explained the Zoning Amendment is to permit affordable elderly housing for 62 and over; this was addressed in the latest Master Plan. Planning and Economics Director, Andre Garron added this issue has been before the PB 2 yrs ago, nothing addresses affordable, age restricted development. Housing Task Force has been initiated, has had a public hearing and has received input from public about this issue. He discussed housing caps, etc. Councilor Oswald asked about it being census driven, asked about falling behind the demand. A. Garron stated that provision in Ordinance allows those changes. Councilor Oswald stated he has no issue for affordable senior housing. Discussion ensued about affordable housing for both the younger and older population. Mary Soares, from the PB stated it is important to make a distinction between 55 and 62, makes a difference in ordinance. Phasing and the Gross Management Ordinance were discussed. M. Soares said slowing down elderly housing is not intent of Ordinance, it is trying to level; need 13% elderly housing to do that. This takes the first step to have affordable elderly housing. Councilor Bove said affordable housing allows anyone regardless of age. Chairman Farmer stated we are closing in on a 13% cap, current housing is at 15%, questioned if population below that how would we handle anymore building. A. Garron said it is based on state and federal limitations. Councilor Oswald said senior housing one area and affordable senior housing another issue. Numbers and percentages were discussed. Al Baldasaro, 41 Hall Rd, Vice Chairman of Elders Affairs, said we should not have a cap on it, should move on. M. Soares said cap is designed to offer a mix of homes. John Farrell, V.C. from the Planning Board said it is another planning tool, can be adjusted. Councilor Dolan asked if the PB has had any discussion if this is the right thing to do in the larger picture. He said they are cutting up society by age. A. Rugg stated the Master Plan is trying to achieve a balance. Chairman Farmer said it is proper planning not discriminatory. **Councilor Bove made a motion to take Ordinance 2007-01 of the table and move to public hearing. Second Councilor Oswald. Vote 5-0-0. Councilor Bove made a motion to open public hearing. Second by Councilor Oswald. Vote 5-0-0. A.**

Baldasaro asked if Councilor Oswald should excuse himself. Councilor Oswald responded he is not involved with the developer, Mr. DiCarolis, and feels he can bring some direction to the discussion. Councilor Paradis read the Ordinance. A. Garron defined affordable housing per RSA 354-A: 15. They can have 1 or 2 bedrooms as opposed to elderly allowing only 1 bedroom unit. Councilor Oswald asked for clarification that both occupants need to be 62, A. Garron responded they do. Discussion ensued about how many Londonderry residents are qualified, how will they be selected and who will be making the selection. A. Garron responded about 180 people in Londonderry are currently receiving elderly credits; NH Housing Authority will make the selections based on verification of age and income. Councilor Dolan clarified this project does not necessarily help Londonderry residents; it is open to the region. Sara Landry, Dir. of the Senior Center said seniors want to stay in their community. Discussion ensued about the selection process John Michaels, lawyer for Joe DiCarolis, supports ordinance it addresses a need. Councilor Dolan asked what guarantees they will stay affordable elderly housing; A. Garron responded life of mortgage. J. Michaels explained they are locked into a 40 year contract with HUD. Kathy Wagner wants to make sure the Ordinance is done right, that they don't become condos. Stacy Thrall, Chair of the Elder Affairs, asked the Council to vote yes for Ordinance, people on fixed income, spent their lives working, now retired, their money does not go far anymore. Councilor Bove stated the costs are federally mandated, we have no control over prices. **Councilor Bove asked that the question be moved, second Paradis. Councils' vote 5-0-0.**

Councilor Bove made a motion to close the public hearing. Seconded by Councilor Oswald. Councils' vote to close the Public Hearing 5-0-0.

PUBLIC COMMENT

Vickie Keenan – Interview for alternate position on ZBA – Councilor Dolan asked if she had any conflict of interest issues because of her job in real estate. Vickie Keenan said all her work is in the Boston area. Councilor Oswald asked if she attended any ZBA meetings or watched it on TV, she responded she watched it on TV. **Councilor Dolan made a motion to appoint Vickie Keenan as an alternate member to the ZBA, term to expire 12/31/08. Second Councilor Oswald. Councils' vote 5-0-0.**

Richard Bielinski – Mr. Bielinski, Hall Rd. appeared tonight with issues stemming from his neighbors junkyard, stagnant water at an empty house next to him and a Home Occupancy Permit to operate an in-home hair salon. He said he was not getting any response from Building Dept. /Health Officer/Code Enforcement Officer and Town Manager. He stated he was going through proper channels and was not getting any results. He said there were four conditions on the permit in-home permit and the owner of the salon business was not in compliance.

- 1) Adhere to hours of operation
- 2) One customer at a time by appointment only
- 3) No on street parking
- 4) No additional employees

State permit given because nothing in letter from Building/Code Enforcement states what was approved; therefore Linda Elliott at state said whole house exempted. Received letter from Town Manager Caron stating he had contacted the State and the State had approved the permit. He stated his displeasure with the lack of record keeping. Town Manager Caron said

minutes from ZBA are transcribed word for word. Testimony given was that the operation would be subject to the dining room only, however map submitted from the applicant per ZBA regulations shows they were going to use the dining room and the bathroom. He talked to Mr. Bielinski about 9 months ago, called the State and they said the applicant was in compliance with them. Application included dining room and bathroom, Town has no authority to enforce state regulations. Code Enforcement hours are flexible, code enforcement officer has been out on weekends, and information is that Mr. Belienski complained about operating outside the hours, not specific as to what the hours were and they were not determined until 2 wks ago. Sent letter to property owner reminding property owner that they have to adhere to specified hours and if they wanted them to expand they had to get approval from ZBA. ZBA clear in its decision, had 4 specific conditions and those 4 conditions are what the Town can enforce. R. Bielinski said applicant stated only using dining room, one customer at a time, no additional employees. Town Manager Caron stated that the testimony given at the ZBA was applicant said only dining room to be used. The map ZBA looked at showed dining room and the bathroom as being used. There is a conflict, unknown which one prevails. No question the testimony was dining room only, it was in the minutes. ZBA recording was approved with 4 conditions. If he wants to appeal he had 30 days to file a motion of reconsideration, if that is denied than he has 30 days to file an appeal with NH Superior Court. Motion for reconsideration was denied. M. Brown clarified ZBA process, motion that was read is accurate, special exceptions for home occupation has an Ordinance that the ZBA adheres to. Salons are not restricted as part of home occupations, if approved ZBA typically adds conditions. Applicant signs this document, it is on file at Town Hall that they will follow conditions. Can be revoked if conditions are in violation. All forms are standard. R. Beilinski wants a copy of letter sent to homeowner as well as copy of letter to State that was not in file at Town Hall. Town Manager Caron said he will provide the copy sent to the homeowner, the second letter he will go to State to find out what letter they are referring to, he does not have a copy of a letter in file.

OLD BUSINESS

Signed warrant – Warrant signed this evening.

Order – 2007-03 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 – Murray’s Auto Recycling. Councilor Oswald read the first reading made a motion to waive the second reading and a public hearing. Second by Councilor Paradis with discussion. Chairman Farmer stated if no complaints will vote tonight on all the Orders relating to junkyards tonight. If any objections to the Orders we will schedule second hearing and public hearing on 3/5/07. Mr. Bielinski indicated that he objected. **Councilor Dolan made a motion to move to 3/5/07 Public Hearing. Second Councilor Bove. Council’s vote 5-0-0.**

Order 2007-04 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 – S&S Metals – Councilor Paradis read the first reading made a motion to waive the second reading and a public hearing. Second by Councilor Oswald. Open for discussion. Frank Holdsworth, Code Enforcement Officer explained agreement the owner has with the Town. No objection from audience. **Councils’ vote 5-0-0.**

Order 2007-05 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 – Londonderry Salvage - Councilor Dolan read the first reading made a motion to waive the

second reading and a public hearing. Second by Councilor Oswald. No objection from audience. **Councils' vote 5-0-0.**

Order 2007-06 – Relative to the Licensing of a Junkyard Pursuant to RSA236 – Hill's Salvage Facility- Councilor Oswald read the first reading made a motion to waive the second reading and a public hearing. Second Councilor Dolan. Open for discussion. Councilor Oswald asked F. Holdsworth about sections A & B relative to clean-up. He responded tires were cleared from A & B, fencing is up, tires in section C will be moved this spring. F. Holdsworth commented that Mr. Hill has done a wonderful job cleaning up. **Councils' vote 5-0-0.**

Order 2007-07 – Relative to the Expenditure of Maintenance Trust Funds for Recreation Purposes. Councilor Paradis read the first reading made a motion to waive the second reading and a public hearing. Second Councilor Bove. Open for discussion Councilor Oswald asked Recreation Director Art Psaledas where monies for storage and maintenance were, A. Psaledas responded maintenance was in 08 budget. A. Psaledas said storage area was obtained from donations. **Councils' vote 5-0-0.**

Resolution 2007-07 – Relative to the Sanctioning of the Londonderry Blue Lions (Spirit) Councilor Bove read first reading, motion to accept and waive second reading. Second Councilor Oswald. Open for discussion. Heather Dumaine said there was an incident and the coach has resigned, was a middle school problem. A. Psaledas said he had no complaints. **Councilor Bove moved the question. Councils' vote 5-0-0.**

Resolution 2007-08 - Relative to the Sanctioning of the Londonderry Athletic and Field Association (LAFA) Councilor Dolan made a motion to approve, no second reading. Second Councilor Oswald. Open for discussion. **Councils' vote 5-0-0.**

Resolution 2007-09 – Relative to the Sanctioning of the Londonderry basketball Club – Councilor Dolan made a motion to approve, no second reading. Second Councilor Oswald. Open for discussion. **Councils' vote 5-0-0.**

Resolution 2007-10 – Relative to the Sanctioning of the Londonderry Youth Football and Spirit – Virginia Ravinelle and Michaela Ravinelle presented documentation to Council, V. Ravinelle stated it is a wonderful organization but she had encountered problems with leadership in organization. They degraded her 12 year old daughter, disregarded recreation director's limitation of ceiling heights, and degraded other people and non-profits on website. President wrote letters to other towns to ask them to join this organization. Leadership is part of criteria prior to sanctioning the organization. Councilor Oswald wants to know what our authority is to reprimand or sanction the group. Town Manager Caron stated that Item 7 of Title VI, Section IV, A-7 gives council some input. After a great deal of discussion it was decided to table the Resolution to allow the Recreation Director, Art Psaledas to negotiate the problem. Council unanimously agreed that inappropriate behavior would not be tolerated. A. Psaledas informed Council that negative comments on the website have been addressed and removed, a lot of negative things said have stopped. Mike Wells, said the Recreation Commission has procedures to deal with problems. Should be a recall of officers, get leadership change. If problems not rectified A. Psaledas was directed to come back to Council. Ben Parker, Alternate on Recreation Commission said the Commission has determined that the organizations have met all documentation. This is beyond the charge of the Recreation Commission and rules are not clear. If Recreation Commission arbitrates any disputes it should be in writing. He stated the Commission followed the ordinance B. Parker said the group can be re-sanctioned, vote not to sanction. **Councilor Bove made a motion to table. Second Councilor Oswald.**

Order 2007-08 – Relative to the Expenditure of Maintenance Trust Funds for the Highway Garage – Councilor Oswald read the first reading, made a motion waive second reading and public hearing, and motioned to adopt. Second Councilor Paradis. Open for discussion. Councils’ vote 5-0-0.

Resolution 2007 -11 – Relative to an Amendment to the Municipal Code, Title VI, Chapter XVI, Public Access Facility Use Policy - Councilor Oswald read first reading, made a motion to waive second reading and public meeting, motion to adopt. Second Councilor Paradis. Open for discussion. Councilor Dolan asked if the monies generated in this policy come back to council. Town Manager Caron stated the money would be deposited into cable special revenue fund. Chairman Farmer felt the prices for use of the facility were low. Dottie Grover, Londonderry Access Center Director said they are not in line with a professional production company. Got feedback from other communities to determine costs. Councilor Oswald asked how she would have control over the use of the video. D. Grover said intent is not to make money. Producer owns copyright, ask the producer to reimburse the access center for use of equipment because they used town property. Producer has to be from Londonderry, credits remain as part of film, and public access has to get credit. Councils’ vote 5-0-0.

APPROVAL OF MINUTES

Public Meeting Minutes of 2/5/07 – Councilor Dolan made a motion to accept. Second Councilor Bove with amendment to change date of minutes to 2/5 rather than 2/7 as typed. Councilor Dolan accepted amended minutes. Councils vote as amended, 4-0-1.

OTHER BUSINESS

Liaison Reports - Councilor Bove stated that he hosted a forum this past weekend for people running for upcoming elections. Next live forum scheduled for 3/10/07 for school board and library board of trustees. Councilor Dolan offered his compliments to Councilor Bove for hosting the event.

Councilor Oswald said Conservation Commission met to discuss development off of Adams Rd and commercial area on Rt. 102. Met with NDOT at public meeting they held for work they will be doing this spring on Rt. 102. Most of work will be done at night commencing after school dismissal on 6/15, finish 8/22 or 8/23. Leadership Londonderry met last Thursday, toured So School for needed improvements. Nate Greenberg and staff did an outstanding job discussing school budget, technology, etc. March meeting will be held at cable access studio.

Councilor Dolan said Budget and Recreation met the same night. Majority of time was spent with the Budget Commission, lengthy meeting. He reported he did his annual visit to the VA Hospital with valentines made by elementary school children. Chairman Farmer said this role should continue every year and asked Councilor Dolan to continue in that volunteer role even though he is stepping down from Council. Councilor Bove second that sentiment. Councilor Dolan responded he would continue the practice and invited people to accompany him.

Town Manager’s Report - Town Manager Caron said that at the next meeting we will have Town Moderator Conley in to prepare for Town Meeting. Working to complete sale of old South fire station. A. Garron will be here to discuss the Metro Center at the next meeting.

Annual Town Reports available 3/6. Entire budget and warrant will be listed in the 3/8 publication of Londonderry Times. He commended the Public Works crews for a great job with snow storm. Script for Town Meeting will be finalized for next meeting. Votes for Volunteer and Citizen of the year will be finalized. Councilor Dolan thanked employees from Town coming in today on a holiday.

ADJOURNMENT

Councilor Paradis made a motion to adjourn at 10:22 PM. Second Councilor Dolan. Councils' vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 2/19/07

Minutes Typed by: Margo Lapietro Date: 2/23/06

Approved: Town Council Date: 3/05/07

MEETING SCHEDULE:

Town Council, February 19 about 7:00 PM, Moose Hill Conference Chambers Warrant Signing