

**TOWN COUNCIL/BUDGET MEETING**  
**March 5, 2007**

The Council Meeting of March 5, 2007 was called to order at 7:03 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

**PRESENT: TOWN COUNCIL; Chairman, Brian Farmer; Councilors Mark Oswald; Tom Dolan; Town Manager David Caron; Asst. Town Manager/Finance Director Sue Hickey; and Margo Lapietro, Executive Assistant. Absent: Councilors Joe Paradis, Marty Bove.**

**CALL TO ORDER**

Chairman Farmer opened the meeting at 7:03 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**

**Mark made a motion to open public hearing. Second by Councilor Dolan. Councils vote 3-0-0.**

**Ordinance 2007-03 – Relative to Amendments to the Licensing of a Junkyard Pursuant to RSA 236 – Murray’s Auto Recycling** Town Manager Caron and Code Enforcement Officer Frank Holdsworth both reported that Mr. Dudek is in compliance with conditions previously established by the Council. The entire tire pile has been removed. Councilor Dolan asked if there were any non-compliance issues, F. Holdsworth responded no, however complaints have been received from the neighbor across the street. Councilor Oswald asked what was the nature of complaints and what was the resolution. F. Holdsworth responded nature was noise, which resulted in his using a sound meter at the property and it was determined decibel levels all under the Ordinance maximum level of 79 decibels. His measurements included the catalytic converters that were thrown into a pick up truck, noise measured 73 at lot line. Open for discussion. Gerard Adams 65 Hall Rd. said catalytic converters were being thrown into truck at 6:15 AM. Complained that tractor trailer trucks left outside running. G. Adams stated issues he allegedly found regarding the trade name, business not registered with state of NH, insurance not up to date. He claimed that they were not registered to do business in NH over a year, according to State regs. Town Manager Caron explained that statute, RSA236:117, deals with the suitability of person applying for license and location. Issuance of license is personal to the applicant and location, therefore any issues regarding trade names, LLC, etc are not applicable. Richard Bielinski, 89 Hall Rd., brought up the provisions of the agreement that all the cars would be adequately screened, and he believes is not adequately screened. Other issue is no site plan for paved parking lot. After 4 yrs why hasn’t it been done? Asked for two letters two weeks ago, has not received it. Has concerns about containments on site. F. Holdsworth explained parking lot paved in 2004 because Mr. Dudek was directed by the Town to enhance area. R. Bielinski responded it was done 2003. Jim Smith, Chief Inspector – Building/Health/Zoning Dept. explained the history of the grandfathered property. Property in use for many years, a lot of things dealt with timing. He spoke about the Estee lumber situation which was brought up by Mr. Bielinski. He explained that property is a recent project compared to the junkyard, therefore can be addressed currently. He addressed the new building which is allowed in a residential neighborhood. Chairman Farmer asked Town Manager Caron if the Estey property had a site

plan. He responded they have a completed site plan and but did not know if it has received final Planning Board approval as of yet. Andre Garron, Dir. of Planning responded Estee Lumber may or may not have gone to the Planning Board, might have gone through Administrative Review because of a size and scale that would fall under that process. Councilor Dolan said Mr. Dudek's parking lot appears to be smaller than Estey's, would it also fall under Administrative Review. A. Garron responded if Mr. Dudek come in for the parking lot alone it could possibly be under Administrative Review. If it worked out the way J. Smith described it would be a site plan. Councilor Oswald stated the fence is made of a fabric material which you can see through it, and questioned if it met the requirements of the court ruling. F. Holdsworth responded requirements are for solidly built fence at least 6ft tall. He further stated that the Ordinance accepts natural screening, which this property had and it has been OK'd by this board all these years. Councilor Oswald stated portion of property needs more screening, only partially shielded. F. Holdsworth stated he will follow the direction of Council and work with the property owner if they wanted more done to property. Councilor Dolan read excerpts from RSA 236:123 which addresses fencing at motor vehicle recycling yards and junk yards. It says it must be a "solidly constructed fence, at least 6 ft in height which substantially screens the area, with a suitable gate which shall be closed and locked except during business hours. Natural growth of timber, natural barrier or other considerations accomplish the purposes of this in whole or in part. The fencing requirements may be reduced by the local governing body upon granting the license". Chairman Farmer said we rely on neighborhood policing if there are issues of non-compliance. He stated we clearly have a problem with the site plan and fencing issues. R. Belinski talked about the 4000 ft. building that was being built in the Conservation Overlay District in addition to other subjects. Claudette Adams & Gerard Adams from Hall Rd. spoke about violations of court orders regarding noise from 6:15 AM on, engines that were left running. Asked for clarification of working hours. F. Holdsworth responded 8:00 to 5:30. G. Adams said at 5:15 AM horns have going off. C. Adams said when operation expanded for crushing, no consideration given to the greater good of the neighborhood. DES required him to cover concrete pad. 4000 sq. ft no greater good to the neighbors. 5 wells are highly contaminated with MTBE, wanted to know what progress was being done to remediate the well water. Councilor Oswald asked if there was any communications from DES relative to the monitoring of these wells. F. Holdsworth stated the last report he received said the water was drinkable. Chairman Farmer asked C. Adams about where the reports of the contamination were coming from. She responded she has a letter from Fred McGarry, Asst. Dir. at DES, dated 10/6/06, and gave a copy of it to the Chairman; including a chart that shows all wells are highly contaminated. She stated a copy was sent to Town, Health Officer and Mr. Dudek. Chairman Farmer stated each Councilor needs copies of letter, need better information on request for site plan on driveway and screening. **Chairman Farmer utilized his Councilor's objection to move this matter to the next Council meeting.** Councilor Dolan explained that by tabling this matter, requires council to take up next meeting. Will be brought up again on 3/17/07.

**Councilor Dolan made a motion to close public hearing. Second by Councilor Oswald. Councils' vote 3-0-0.**

#### **PUBLIC COMMENT**

**Andre Garron – Metro Center & Proclamation** – Andre Garron, Dir. of Planning and Economic Development discussed Metro Center which is a regional economic development initiative. He reviewed the history and introduced Robin Comstock, Pres. of Manchester Chamber

of Commerce. She explained it is made up of 8 communities in the Greater Manchester area whose purpose is to promote the Greater Manchester region as a desirable place to “live, work, and plan”. The various communities that are declaring participation and interest in the project are issuing proclamations. Their first goal is to establish a cooperative website. Introduced Cindy Harrington – liaison from the Dept. of Resources and Economic Development, David Preece – Southern New Hampshire Planning Commission, Mike Skelton – Director of Economic Development and Government Affairs at the Chamber of Commerce. Councilor Oswald responded it was a great idea and questioned who would be responsible for expenses. R. Comstock responded Chamber, charitable donations and volunteers, no expense to Towns. Chairman Farmer asked what is in the future, how does it benefit Londonderry? A. Garron explained it benefits all communities adjoining the 93 area. R. Comstock said every community benefits from business coming to the area. Cindy Harrington explained that collaboration as a region is important. **Councilor Dolan made a motion to approve proclamation and authorize Town Council to add their signatures to it. Councilor Oswald seconded. Councils’ vote to approve 3-0-0.**

**Town Moderator Cindi Conley: Budget Committee Chair – Adriana – Komst – Review of Town Warrant** – Moderator Cindi Conley stated she wanted two responsible Councilors to open the polls and three responsible Councilors to close the polls on Election Day. Preliminary results of the polls will be available at 8:05PM, final results most likely delayed, no one on ballot for Trustees of Trust Fund, write ins have to be hand counted. She also asked public to take write-ins seriously. She expressed concerned about space, wants a definite area set aside for non-voters. Rm. 221 already reserved possibility of using the band room. Councilor Dolan informed the voters they have to color in square in addition to writing in name for write-ins. Town Manager Caron said they will have screens with a PowerPoint presentation including one with the tax impact on it. He said he understands the Budget Committee wants a screen as well with a running scorecard, updating warrant articles as they are approved showing the tax impact. First part will show impact on a \$3, \$4 and \$5K homes, second part will have yearly impact to year three. Town Manager Caron was directed to contact the Assessor and determine actual value of an average home in Town and to use that as the basis of the tax impact. Sue Hickey stated she has two concerns about two screens next to each other. People can’t see slides from back, suggested having hardcopies available. Discussion ensued about the screens and having score cards in hand. Councilor Dolan suggested early on in the meeting have audience polled and see if they liked the two screens. Chairman Farmer thought the poll was a good idea. C. Conley expressed concern about quality of using screens if we use extra rooms.

### **OLD BUSINESS**

**Resolution 2007-10 – Relative to the Sanctioning of the Londonderry youth Football and Spirit-** Councilor Oswald read the reading made a motion to adopt. Second by Councilor Dolan. Councilor Oswald said at the last meeting Council reviewed all the other athletic groups, received a complaint from Virginia Ravenelle for this group and wanted to research the matter thoroughly before sanctioning. Art Psaledas, Recreation Director and Tony DiCessa, President of Londonderry Youth Football and Sprit were in attendance. A. Psaledas reviewed the four questions he was asked at last meeting. Chairman Farmer acknowledged that corrective action was taken. V. Ravenelle questioned qualifications for leaders in group. Chairman Farmer said it needed to be revised, rules will be followed from here on out. T. DiCessa requested for the

record, that it be stated that the posting on website was not posted by him or members of his organization. No child's name was mentioned, when he heard about the posting it was deleted. **Councilor Dolan moved the question to approve. Council's vote 3-0-0.**

### New Business.

**Resolution 2007-12 - Relative to the Sale of Former South Fire Station – Councilor Oswald read the first reading, second reading waived, made a motion to approve. Second Councilor Dolan.** Town Manager Caron stated we received 3 bids, recommend selling to the highest bidder; plan to close on the property tomorrow. **Council's vote 3-0-0.**

**Resolution 2007-13 - Relative to the Administration of General Assistance - Councilor Dolan read the first reading, second reading waived made a motion to accept. Second by Councilor Oswald.** Town Manager Caron explained this reduction in staff was part of the budget process, which reduced the budget by \$39K by outsourcing General Assistance administration to Greater Derry Community Health Services, Inc. **Councils' vote 3-0-0.**

### APPROVAL OF MINUTES

**Councilor Dolan made a motion to accept the Public Meeting Minutes of 2/8/07. Second by Councilor Oswald. Council's vote 3-0-0. Councilor Dolan made a motion to accept the Public Meeting Minutes of 2/19/07 with changes, line 40 to delete "and race" and to line 53 by adding "necessarily". Second by Councilor Oswald. Councils' vote 3-0-0.**

### OTHER BUSINESS

**Liaison Reports -** Councilor Dolan attended a Historic Properties meeting. They are scripting a public forum and working on a TV program to spread some awareness. ZBA conducted lengthy deliberations on cell tower on north end of town.

Councilor Oswald attended Conservation Commission meeting, worked on DRC comments on plans. Two new people have applied to the Commission; these two appointments will bring them up to their full complement of members. Had a Musquash Field day debriefing.

**Town Manager's Report:** Asked Councilors to get back to him as to who wants to open and close the polls. Asked the Councilor when they wanted to have their organizational meeting, it was decided to schedule it right after Town Meeting. He announced that the Finance Dept. was awarded the "Certificate of Achievement for Excellence in Financial Reporting, he congratulated Susan Hickey and her Staff. Retiring Councilor Dolan thanked Town Manager Caron, Sue Hickey and Margo Lapietro for all the support they have given to him over the past 6 years.

### **Board/Committee Appointments/Reappointments/Resignations**

**Councilor Oswald made a motion to appoint Truda Bloom as a full member to the Conservation Commission, term to expire 12/31/10. Second by Councilor Oswald. Council's vote 3-0-0.**

**Councilor Oswald made a motion to appoint Steve Fassi as an alternate member to the Conservation Commission, term to expire 12/31/07. Second by Councilor Oswald. Council's vote 3-0-0.**

**ADJOURNMENT**

**Councilor Dolan made a motion to adjourn at 9:04 PM. Second Councilor Oswald. Council's vote 3-0-0.**

**Notes and Tapes by: Margo Lapietro Date: 03/05/07**

**Minutes Typed by: Margo Lapietro Date: 03/09/07**

**Approved: Town Council Date:**

**MEETING SCHEDULE:**

**Town Meeting, Election of Officers/Bond Issues, March 13, 7:00 AM – 8:00 PM,  
Londonderry High School Gymnasium  
Budgetary Town Meeting, March 17, 2007 – 9:00 AM, Londonderry High School Cafeteria  
Town Council, March 19, 7:00 PM, Moose Hill Council Chambers  
Town Council, April 2 @ 7:00 PM, Moose Hill Council Chambers**