

TOWN COUNCIL MEETING
April 16, 2007

The Council Meeting of April 16, 2007 was called to order at 7:03 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

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

CALL TO ORDER

Chairman Paradis opened the meeting at 7:03 PM with the Pledge of Allegiance. This was followed by a moment of silence for the tragedy at VA Tech.

PUBLIC COMMENT

Town Manager Caron listed all roads in Town closed due to severe weather; the Senior Center was open until 5:00PM for townsfolk to use as a warming center. A Red Cross Shelter was opened in Derry at the Parka Elementary School, and is available to Londonderry residents. Chairman Paradis asked about what to do with items destroyed by water in cellars. Town Manager Caron told him people should contact the Public Works Dept. Brookview Circle was hit hard again; he has been in contact with Representative Carol Shea-Porter's office this morning, requesting that the Army Corps of Engineers expedite its review of the area.

Councilor Oswald announced that the annual fund raiser of the YMCA Reach Out for Youth and Families Reception will be held at the Tuppelo Music Hall, on 5/3 at 6:00PM. They will have a live auction. He also announced that ReMax will hold their annual yard sale on Saturday 5/5, proceeds to benefit Londonderry Band to attend Olympics in China.

OLD BUSINESS

A. Murray's Auto Recycling – Status Update - Town Manager Caron explained that Town Council granted a conditional license to Mr. Dudek on 3/19/07 with two conditions:

- 1 Fencing- to erect additional secured screening behind existing, with completion by 6/19/07. He suggested revisiting the issue when fencing is up to determine if the Council is satisfied with the screening. Mr. Dudek will also install additional fencing on the westerly side of the property once the new facility is constructed, which will not be before 6/19/07. He has a Planning Board date in June. Councilor Wagner stated she has driven by the facility and only

a small part of the operation can be seen and there were no cars visible above the fencing. She also reported that there were no cars out front with “for sale” signs on them and the facility has shown a vast improvement from the past. Councilor Oswald stated that a yellow truck was visible over the fence when he went by, other than that nothing visible above the fence.

- 2 Operating Hours – Town Manager stated he had Town Counsel look at the operating hours, and he opined that it is questionable whether Town Council has authority to stipulate hours of operation. Attorney Mayer suggested that the Council require Mr. Dudek to adhere to the hours he presented with his junk dealer’s application to the State which is 8-5 Mon–Saturday. Code Enforcement Officer Frank Holdsworth met with Mr. Dudek, who requested a 7:00 AM starting time every 6 weeks, which would allow for the economical removal of crushed vehicles. Removal begins early in the AM, and would allow 3 transporting loads to go to out of state crushing facility. Crusher will not begin before 8:00 AM. Mr. Dudek agreed not to open until 9AM Sat. which is a busy day. Councilor Farmer asked for current operating hours, F. Holdsworth responded 8-5 Mon-Sat. He then questioned how we are enforcing those hours if he started before 8:00 AM. Town Manager Caron responded if he gets there before 7AM for administrative work and does not open to the public would not constitute a violation. Ed Dudek said any trailers that show up at 7AM, trucks wait out in street at the end of the road and shut off engines. Chairman Paradis clarified the agreement
 - a) The new hours of operation will be 8-5 M-F, Sat 9-5, no Saturday pick-ups by crusher.
 - b) Fence on order, will be done by next week. When new soil is brought in, fence in that section will be erected, waiting for Planning Board approval of new building. If Planning Board denies the new building, then he will erect fence at location of new soil.

Open for discussion - Gerard Adams Hall Rd. stated that when the crushers come at 7:00 AM it is a 7-8 day situation. Vehicles are parked outside of fence have no plates; assume they are for sale even though no “For Sale” signs on them. Counted 14 vehicles parked and did not move all day. Claudette Adams said that is what is in court order; wrecked cars are parked in front of the gate. Gerard Adams said contacting Code Enforcement difficult. Town Manager Caron said there were no wrecks outside fence per court order. Mr. Dudek responded occasionally cars are put outside the yard to so they can move other cars out of way, they are not wrecked vehicles, no signs on cars outside. Town Manager Caron responded if Mr. Dudek doesn’t adhere to the court order, summons will be issued. The Code Enforcement Officer has to see it in order to issue summons.

F. Holdsworth said he made an appointment with Mr. Adams for last Wednesday, he called him Wednesday to confirm the meeting but Mr. Adams declined. He also stated he never got a report of junk vehicles outside fence, if he received a notice he would go and look. If they are outside fence he will enforce court order. Chairman Paradis stated that we are moving forward from today to rectify the problems.

Richard Belinski, Hall Rd. questioned who does he call. Town Manager Caron responded if he has a problem call the code enforcement officer. He also stated the ZBA site plan was fraudulent.

Al Baldasaro, 41 Hall Rd., owns property next door. He said he drove slowly down that road next day and saw cars. Trucks are parked at end of street, resulting in Mr. Dudek's problem being moved somewhere else. The Adams' complaints affect all the neighbors because they are forcing Mr. Dudek to work more. He has no complaints.

Councilor Bove read letter from neighbor, Robert Smith, 71 Hall Road complimenting Mr. Dudek. He stated the he has lived there for 15 years, the business is an asset to the community, the area is well kept and people are friendly and courteous.

Town Manager Caron will present a summary of conditions at the Council's next meeting.

B. Review of FY07 Goals & Objectives –

Town Manager Caron proceeded to review and explain. Started discussing the Exit 4-A project. Discussion ensued about being responsible for \$5M. Councilor Farmer stated we have been clear to Derry that is all we are spending. Councilor Bove said that Derry has not decided what they are going to do at the end of the exit and it has to be decided soon in order for State to incorporate into I-93 expansion. Councilor Oswald distributed a two page summary of goals and objectives which he has compiled. Chairman Paradis suggested Council review both Dave's list and Mark's and review at next Council meeting. Everyone agreed.

NEW BUSINESS

- A. **Order 2007-10 – Relative to the Expenditure of Maintenance Trust Funds -** Councilor Farmer read the Order and **made a motion to accept. Second Councilor Bove.** Town Manager Caron explained the generator at the Highway garage was very old and when it was replaced they needed to replace the outdated switch which is want this is for. **Councils' vote 5-0-0.**

APPROVAL OF MINUTES

Councilor Oswald made a motion to accept the Public Meeting Minutes of 4/02/07. Second by Councilor Wagner. Councils' vote 4-0-1.

OTHER BUSINESS

Liaison Reports - Councilor Oswald said Leadership Londonderry meets this Thursday at MHT. Topics to be discussed are MHT directives, DOT Access Rd. and I-93. Conservation Commission discussed conditional use permit for Cider Mill. Open space contingencies being discussed. Land protection symposium at school this week

Councilor Wagner said the Cider Mills development was discussed at Planning Board, most of Board is comfortable with project, they will work with Public Works on road issues. Old Home Day meets on Thursday, unable to attend Budget Committee Meeting that night, hopes one of the other Councilors will be her alternate. Demolition Delay Meeting will be held on Wednesday about a barn structure at Litchfield Rd. ZBA has cell tower meeting the same night. Planning Board approved cell tower on Nelson Rd. Suggestions have been made by the taxpayers to attach a surveillance camera to the pole on the cell tower aimed at the skateboard park. Boy Scouts had a sleep out at Adams Rd. last weekend.

Councilor Farmer said the Londonderry Arts Council is moving their meetings to the 2nd Wed. of the month. Concert on the Commons will start on 6/4/07 and continue for the next 9 weeks. September Art Show on the Common will be held on 9/8 with a rain date of 9/9. Londonderry High School student art work will be displayed on 5/19 and 5/20 at the Londonderry Access Center, Morrison House and Elaine Farmer Art Studios. The Arts Council is currently working on a website as well as working on non-profit status in order to obtain grants.

Councilor Bove attended the School Board Meeting at which time this year's recipient of the Lincoln Award was determined. The award will be presented at School pep rally first week in May. He proceeded to publicly thank Amber Ward who is leaving Access Center for all her help.

Chairman Paradis said 4 members from ALERT team went to Rochester for training for pandemic outbreak.

Town Manager's Report: The General Assistance Technician's last day was April 13. If folks come in looking for assistance, they will be asked to fill out an application form and make an appointment to see the representative from Community Health Services of Derry who is here on Tuesdays and Thursdays. This transition period will take place for the next 6 weeks then the applicants will be directed to deal with Community Services of Derry. Applications will still be available at Town Hall and on website.

Reduction in hours of part-time position in the Assessing Office per budget reduction resulted in that person finding a full-time job with benefits; therefore the Town will advertise for someone to take the 18 hour a week position.

Dotty Grover, Director of the Londonderry Access Center hopes to have someone on board this week to shadow Amber Ward before she leaves.

Richard Canuel, Assistant Building Inspector was named the Inspector of the Year by the NHBOA.

PSNH announced that 25K customers were still out of power, additional crews assisting.

Credit Card, Purchasing and Fraud policies are being worked on. Sewer ordinances being revised. New ambulance should be received in a few months. Possibility of a third ambulance for back-up will be discussed at the 5/7 meeting.

Councilor Oswald asked him how long the Town will have the Clerk of Works. Town Manager Caron explained that due to the failure of the bond for the North Fire Station the Clerk's last day will be 6/30. In the interim the Clerk is working on a number of projects on various town buildings.

Councilor Wagner suggested posting the article that Richard Canuel wrote in the Employee Newsletter on the website and also announcing his award. Well written and interesting article.

Board/Committee Appointments/Reappointments/Resignations

1. Appointments to Housing Task Force (4)

Town Manager Caron explained that there are four "At-Large" positions open on the newly formed Housing Taskforce, and the Town received 6 applications. Discussion ensued about applications received by deadline, Town Manager stated we had no deadline. Councilor Oswald expressed concern that two people who applied work for the same firm, need more diversity.

Councilor Bove stated that Mr. Verani has applied for many openings, he has no problem with all 6 applicants, they are all well qualified.

Councilor Farmer stated we should hold it to 4 "At Large" positions.

Councilor Bove made a motion to accept the first 4 that applied. Second Councilor Farmer. Councilor Wagner asked if there is a better process when deadlines are not met. Councilor Oswald said he would hate to see "first in", as the sole criteria for appointments. It's a poor precedent to establish without considering the depth and breadth of experience given some of the serious credentials submitted with resumes. The first four that applied are Michels, Baldasaro, Verani, Weigler. **Councils' vote 4-1-0.**

ADJOURNMENT

Councilor Farmer made a motion to adjourn at 8:45PM. Second Councilor Oswald . Councils' vote 5-0-0.

Notes and Tapes by: Margo Lapietro **Date:** 4/16/07

Minutes Typed by: Margo Lapietro **Date:** 4/20/07

Approved: Town Council **Date:** 5/07/07

MEETING SCHEDULE:

Town Council May 7 @ 7:30 PM, Moose Hill Council Chambers
Town Council May 21 @ 7:00 PM, Moose Hill Council Chambers