

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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2 **July 21, 2014**

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

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

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10 **CALL TO ORDER**

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12 Chairman Dolan opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for the  
13 uniform men and woman who services us both locally and abroad. Chairman Dolan recognized Staff Sgt. Ryan Hicks, a local  
14 hero from Nashua who has been nationally recognized by the President. Chairman Dolan mentioned a few things he Sgt.  
15 Hicks and stated that he is the ninth living recipient of the Metal of Honor. Chairman Dolan read an article about the award.  
16 Chairman Dolan stated that he would like to also remember the nine soldiers who died in battle.

17  
18 **PUBLIC COMMENT**

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20 Chairman Dolan invited up candidate for Congress Frank Guinta. Guinta thanked the Council for allowing his to speak. Guinta  
21 stated that he served in the 112<sup>th</sup> Congress and served prior to that as Mayor of Manchester for 4 years and served as an  
22 alderman and State Representative for the city of Manchester as well. Guinta stated that he wanted to share some favorable  
23 comments about the Town of Londonderry for its long term planning in terms of the economic growth that is happening in  
24 Town. Guinta stated that he would like to continue to see growth at the airport on both the Londonderry and Manchester side.  
25 Provide economic opportunity. Guinta stated that part of his job when he served in Congress was to make sure that there was  
26 direct access to communities for funds and grants, competitive or otherwise, through the transportation process at the federal  
27 level. Guinta stated that while in Congress he served on the Transportation Committee where he was able to bring an extra \$60  
28 million to the State of New Hampshire during his ten year. Guinta stated that he would like to see if continue to be utilize.  
29 Guinta stated that he would like to recognize that as a former member of Congress, he applauds the effort of Londonderry and  
30 that he hopes to represent this community again. Guinta stated that he would be willing to work with the Town in any capacity  
31 to ensure that Londonderry's economic goals are achieve. Guinta thanked the Council for their time. There were no questions  
32 from the Council.

33  
34 Chairman Dolan introduced candidate for County Attorney Michael DiCroce. DiCroce thanked the Council for allowing him to  
35 speak. . DiCroce stated that he a Prosecutor in Rockingham County. He has been so for the last 23 years. DiCroce stated that 6  
36 and a half of those years have been with the County Attorney's office. He is also a Prosecutor for Police Departments under  
37 his own business, DiCroce Prosecution. DiCroce stated that given the problems the County Attorney's office has been having,  
38 when Jim Reams decided to retire and announce that he was not going to run for reelection, DiCroce stated that he decided to  
39 run. DiCroce stated that he ran back in 1989 and he had lost to Jim in the Primary. DiCroce stated that he brings more  
40 experience than any of the other candidates that he is challenging. DiCroce stated that he has both the management and  
41 prosecution skills that are necessary. DiCroce stated that he has the ethical and professional standing within the legal  
42 community to reestablish the good name of the County Attorney's office, which he believes needs to be done. DiCroce stated  
43 that he thinks someone from the outside has to come in with the necessary background and credentials to clean it up and give  
44 the public a new opinion and fresh start. DiCroce stated that that is what he can bring if he is elected. DiCroce thanked the  
45 Council for their time. There were no questions from the Council.

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47 Chairman Dolan invited up Police Chief Bill Hart. Chief Hart stated that the Police recently had a situation come up where a  
48 complaint was made about an office and it found its way onto Facebook. Chief Hart stated that he received several phone calls

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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49 about it. Chief Hart stated that he wanted to address it publically. The complaint about the officer was not made to the Police  
50 Department but rather it was made to a website called Copblock. Chief Hart stated that it is an advocacy site for people who  
51 hold certain views. While he wishes that those individuals had come to the Police Department to make the complaint, they  
52 didn't. Chief Hart stated that the complaint was still brought to his attention. Chief Hart stated that he felt it was important  
53 because the complaint process is a process, in his judgment, that builds trust between a Police Department and the citizens  
54 which it services. Chief Hart stated that an internal affairs investigation which is ongoing. Chief Hart stated that he asked the  
55 officers if they would be willing to make public the findings. Chief Hart stated that it will be his decision whether that  
56 happens. Chief Hart stated that every single complaint made to the Londonderry Police Department is reviewed. Many of them  
57 are fully investigated. Sergeants are trained to discern if it is something that person can solve based on their training. If not  
58 they move it up to the next level. The Londonderry Police captains and Lieutenants are both well trained on how to do internal  
59 affairs investigations or handle complaints. Chief Hart stated that someone usually wants to hear the issue and feel that the  
60 issue is being heard and number two that it won't happen to someone else or that it will be rectified in the immediate short  
61 term. Chief Hart stated that the Police Department does that. Chief Hart stated that in Londonderry, the Police Department  
62 really doesn't have a lot of complaints. Last year there were only five internal affairs complaints, out of a department of 65  
63 people. There were less than ten written employee complaint forms and about a half a dozen administration reviews. Chief  
64 Hart stated that he wanted to bring this forward to let the Council and public know that that is what is going on in the  
65 Londonderry Police Department. Chief Hart stated that no police department should be afraid of a complaint. It is the  
66 complaint that helps a department grow and helps them address the actions of the employees and better serve the public. Chief  
67 Hart stated that if there is no trust between a Police Department and the community which it serves, the Police Department  
68 doesn't work.

69  
70 Chief Hart brought up another issue. Chief Hart stated that from time to time the Police Department uses a fund called the  
71 Forfeiture Fund. You may have read about it or heard about it. Chief Hart stated that Police use Forfeiture Funds. Chief Hart  
72 stated that he wanted to let the Council publically know what it done with that. It is not a part of the regular approval process,  
73 though the Police go through the finance department to approve it. Chief Hart stated that those expenditures should be public.  
74 That transparency of itself avoids the opportunity for chicanery. Chief Hart stated that the department bought two pieces of  
75 equipment that are going to help Police in the work that they do, with the Forfeiture Funds. The first piece of equipment is a  
76 recording device for a person to use when they are meeting a nefarious character. The second piece of equipment allows an  
77 officer to look at a cell phone, see what's there and make some decisions about it. Chief Hart stated that this is an area  
78 protected by law based on the Supreme Courts recent case. Chief Hart stated that it will be used once there is a warrant to  
79 search those computers, telephones, whatever it may be. Chief Hart stated from time to time he will be bringing these  
80 expenditures forward. Chief Hart thanked the Council for their time.

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82 Chairman Dolan invited up Mike Speltz from the Conservation Commission. Speltz stated that they are about to bring forward  
83 a Conservation project, the Open Space Protection Project. Speltz stated that it has been waiting. Speltz stated that potentially  
84 they have a person who is ready to give a gift to the Town, about a quarter of a million dollars' worth of value in terms of  
85 conservation easement. Speltz stated that he is mindful of the fact that the Council has made it clear that they have concerns  
86 about the way stewardship of the conservation lands has taken place. Speltz stated that he assumes most of that has to do with  
87 Town owned lands. Speltz stated that what he would like to hear form the Council is what they would like to see the  
88 Conservation Commission do in terms of stewardship of the conservation lands, mainly Town owned lands. Speltz stated he  
89 would welcome any comments. Speltz stated that they will be back soon asked the Council to approve the expenditure of  
90 funds that the Commission has already set aside for a conservation easement. Speltz asked the Council what improvements  
91 they would like to see in terms of the stewardship. Chairman Dolan stated that he would like to summarize where the Council  
92 has been in terms of guidance on this topic. Chairman Dolan stated that the Town does have a consultant names Stu Arnett.  
93 This is one of the topics he is working on. What the Council has asked Arnett to do along with the Conservation Commission  
94 and Town staff is to focus on Town owned property with the understanding that that property there is an easement, the primary  
95 play there is the prevention of development. Primarily the focus is on the Town owned property. Chairman Dolan turned it  
96 over to the Council. Councilor Green stated that the usability in stewardships taking care of the property and making sure there  
97 is not junk being dropped. Councilor Green stated that they should be used for recreational purposes and other means, the way  
98 that they were intended to be. Councilor Freda stated that he agrees with Councilor Green. Councilor Freda stated that he  
99 thinks it is not a way that he would spend the Town's money. A most recent example of the problem you have when you do  
100 that is Adams Pond. It is an easement and now they are not sure who is going to pay to fix it. Councilor Freda stated that he  
101 believes this is a problem. The owners of the land who generously want to sell the property to the Town, the things that they  
102 want can be achieved by the Towns right ownership in leasing the property back to the. Councilor Freda stated that he has a

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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103 fundamental disagreement with buying an easement and how they are valued because there is no market for easements. Vice  
104 Chairman Butler stated that sitting on the Heritage Commission, they have asked the Conservation Commission for a  
105 stewardship plan for the Town Forest and they have not received one. Vice Chairman Butler stated that he is not in favor of  
106 spending any more money until there is a program in place that the Council and Heritage Commission can look at and say ok,  
107 this is how the Town Forest will be maintained. Vice Chairman Butler stated that is there is a number to it, how can he  
108 possible agree to something there is not a number for or a plan. Vice Chairman Butler stated that he wanted a plan. He wants  
109 to see what the Conservation Commission and how they are going to handle the land that the Town has easements on and that  
110 we own. Vice Chairman Butler stated that he doesn't want to hear the excuse that it is going to cost money. If there is no plan  
111 or number to it, it will never be able to be evaluated. Vice Chairman Butler stated that going forward he would appreciate a  
112 stewardship plan and a number if it is going to cost money. Councilor Farrell stated that the one that always sticks out to him  
113 is a little different. At the Town meeting the Town spent the \$2.9 million for the land next to where all these people live and  
114 they have the abandoned orchard. Councilor Farrell stated that if the Conservation Commission can to a stewardship plan and  
115 come up with what is going to be done with that, give something to the voters, which would be best. It has been owned for  
116 close to ten years. Councilor Farrell stated that he agrees with what everyone else said. Vice Chairman Butler asked what  
117 property Councilor Farrell was referring to. Councilor Farrell stated that when Elmer Pease came and he was going to build  
118 apartments and everything else, there was a special election and he believes the number was \$2.9 million. A portion of land  
119 was bought and then Pease developed the portion that has 130 houses on it that the Nevins is on now. It is adjacent to the land  
120 right behind Home Depot. Councilor Farrell asked Speltz if they can include that in their plan. Town Manager Smith stated  
121 that he would like to ask if he could clarify the plan that Speltz is working on with the Arnett group. It is in part a recreation  
122 guide but does it include a stewardship plan? Speltz stated that the task that the Conservation Commission has contracted  
123 Arnett Development for has two parts. One if a recreation guide. The Council has been briefed a few times by staff about it,  
124 which is a web based tool to allow people to look at a map of Londonderry to see all the recreational opportunities. Speltz  
125 stated that the second part is to come up with a recreation plan, in other words identify what other opportunities out there and  
126 the costs associated with those opportunities. Speltz stated that the priority is on the recreation guide to get it out there but the  
127 other task is in progress. The goal is to address Vice Chairman Butler's concern and to put some number son the things  
128 needed. Vice Chairman Butler stated that he went to one of the last Conservation meetings and he was able to review a  
129 presentation Arnett had given on the recreation guide and he believes it is moving right along and it is quite impressive. Vice  
130 Chairman Butler stated that he also has a concern about rules and regulations within the recreation area. If there is a guide out  
131 there, there needs to be a statement made now about the rules and regulations. Vice Chairman Butler referred to a previous  
132 issue with time limits in the Kendall Pond conservation area. There needs to be something done. Vice Chairman Butler stated  
133 that the rules and regulations need to be made public. Chairman Dolan stated that as a town staff the budgetary process is  
134 beginning for fiscal year 2016. This should be a placeholder in the budget for 2016. Deb Lievens stated that as it happened  
135 with the Nevins project, the Conservation Commission was not involved in that. It was a Town wide project. Speltz stated that  
136 he would like to invite anyone who is watching to feel free to contact the Conservation Commission and add ideas and  
137 concerns to what should be done in terms of stewardship and he appreciated the Councils comments.

138  
139 Gerard Adams, 54 Hall Road, stated that he is here to protect his property and interest. Adams stated that there was another  
140 late night delivery made at 6:20 PM at Murrar's Auto Junkyard. Adams stated that there was a member of the public last  
141 month who stated that he liked the look to the junkyard and that he virtually goes by every day. Adams stated that he doesn't  
142 understand how someone can judge the junkyard based on driving by. Adams also stated that this individual stated that he has  
143 noticed late night deliveries and it is part of business. Adams stated that if you are not affected by a certain action, what good  
144 does it do to bring this kind of thought process forward. Adams stated that he lives across the street. Adams also stated that the  
145 lawyer representing Murray's (Attorney Panciocco) stated that she was hired three days prior to the last meeting. Adams stated  
146 that the late deliveries happen every night. Adams stated that Panciocco also stated that how much her client must give up  
147 before he goes out of business. Adams stated that he can't name one thing he has given up. Adams stated that his wife brought  
148 up last meeting a DES website that mentioned that Murray's was not in compliance with the State. Adams stated that there is a  
149 lawsuit here. Has nothing to do with the town but the Federal Government. Chairman Dolan stated that right now the Council  
150 is only considering a license for this year. Councilor Freda stated that in all fairness he should get an answer when the other  
151 side is here to contest. Chairman Dolan stated that this is public comment not a public hearing. Adams stated that he is here  
152 because of a lack of enforcement.

153  
154 Dean McKenna, 6 Greg Circle, stated that he is here tonight to talk about the Londonderry fire Ordinance or what he would  
155 consider to be lack thereof. McKenna stated that over the past few years his neighbors and he have been calling the police and  
156 town about a resident on High Range that lights off fireworks at any time, for long periods. McKenna stated that he has spoke

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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157 to the fire department. The issue sort of came up last year which led to some discussion with the Council. McKenna stated that  
158 the fire department was supposed to come to the Council with some formal direction on what to do about fireworks and it  
159 never happened. Chairman Dolan stated that is not correct. Chairman Dolan stated that there are some special rules depending  
160 on the size of the event. McKenna stated that he would like to see those rules. The Police have told him that they never  
161 followed up with the Council because of a lack of recourses. Chairman Dolan stated that it is difficult for the Council to  
162 engage with McKenna at this level of detail. Chairman Dolan suggested that McKenna make an appointment with the Town  
163 Manager and let Smith do the research to find a solution. McKenna stated that he would like to share what the issues are.  
164 There are safety issues that are not being met. McKenna stated that he feels like it is not an adequate use of the Town's  
165 resources. McKenna stated that it can be taken care of easily with a more formal permit process. McKenna stated that the state  
166 ordinance states that you cannot set off class B, you can only do class C. McKenna stated that sounds is the biggest concern.  
167 All they can do right now is continuously calling the police department, who has gone down there. McKenna stated what they  
168 would like is to have, in reference to the Union Leader article that just came out, to have a complete ban of fireworks.  
169 McKenna states that he hopes something is done soon. Councilor Farrell asked McKenna if it is happening every night.  
170 McKenna stated no, but it is so random and he will do five to six every hour. Councilor Farrell asked if it is two nights a week,  
171 how often? McKenna stated probably once a week. Councilor Farrell stated that it is his understanding that it use to be  
172 multiple days a week. McKenna stated that this past winter he did it for an entire week. McKenna stated that the fireworks that  
173 he does are so loud and echo. Councilor Farrell stated that those are class B fireworks. Councilor Farrell stated that he is  
174 asking because the Ordinance says if you have more than one thousand dollars' worth of fireworks there are certain rules you  
175 have to follow. Chairman Dolan reminded McKenna to set up an appointment with Town Manager Smith.

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177 Chairman Dolan stated that he wanted to mention a personal note. Chairman Dolan stated that this past week he had an illness  
178 that put him in the hospital. He was brought there by one of the Town ambulances and he wanted to publically say that they  
179 were very professional and did a great job.

180

181

## PUBLIC HEARING

182

183 Motion to enter Public Hearing made by Councilor Freda and second by Councilor Green. Chairman Dolan stated that the  
184 issue they are taking up is the continuation of the issue around the Nevins walking trail that began in public last year. There  
185 have been a series of continuations and tonight it will come to conclusion. Councilor Farrell read in Resolution #2013-13 [See  
186 attached letter from the Attorney General]. Councilor Farrell moved to approve the agreement made that Gilcrest is willing to  
187 contribute the sum of \$35,000 to the Town as a full and final consideration for the release by the Town of all obligations of  
188 Gilcrest or its successors in interest as the developer of NRC, including the association of homeowners of NRC, release by the  
189 Town of the Town's rights to construct such improvements within the Easement and consent by the Town to the encroachment  
190 existing within the Easement for Units 22, 23 and 31. Second by Councilor Freda.

191

192 Councilor Farrell stated that it will come to a vote tonight to approve this and release the walking trails so if anyone is coming  
193 up to make comment who is opposing it, those would be the comments the Council want to hear.

194

195 Chairman Dolan opened it up to the public to make a comment. There was no comment made.

196

197 Chairman Dolan stated that he understands the fix that the Nevins has been in and the Council has been trying to help with that  
198 but there has been disappointment in the developer for sloppiness. Chairman Dolan stated that at this point we can move  
199 forward. **Chair votes 5-0-0.**

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201

**[Crowd claps and thanks the Council]**

202

203 Chairman Dolan stated that the next item in Public Hearing is discussion of a Community Development Block Grant. Town  
204 Manager smith requested that this portion of the Public Hearing be postponed until the next Councilor meeting on August  
205 11th. There is still some details being worked out. There was consensus on the Council to postpone it.

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# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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207 Motion to close Public Hearing made by Councilor Farrell and second by Councilor Freda.  
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## OLD BUSINESS

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211 NONE  
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## NEW BUSINESS

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215 Chairman Dolan introduced Order #2014-16, expendable maintenance trust fund for various projects. Councilor Green read in  
216 the Order. Councilor Green motioned to approve Order #2014-16 and second by Councilor Freda. Vice Chairman Butler  
217 opened it up for discussion. Vice Chairman Butler stated that he was reviewing the bids and he has a few concerns. There are  
218 three bids which are required. Vice Chairman Butler stated that his experience between the second low bidder and the low  
219 bidder, there is a 40% difference based on a small contract like that. Vice Chairman Butler stated that he looked at some of the  
220 quotations. On the low bid, Shop At Home Carpet, there is no indication of service prep and they have an approximate square  
221 footage. They also don't indicate anything about removal or storage of the carpet. In his experience what happens is when he  
222 looks at the other two bids they have floor prep and disposal and carpet in there. Vice Chairman Butler stated that his fear is  
223 that those things will not get done and that they will want more money to do those things. Vice Chairman asked if the carpet is  
224 worn out or stained. Chief Hart mentioned that it was both. Vice Chairman Butler mentioned a few more of his concerns.  
225 Chief Hart stated that most of the issues that were brought up were a concern to the police department as well and asked  
226 specifically about. Both Captain Michaud and Steve Cotton who were working together, went back to the potential provider  
227 and asked these types of questions to assure the police department that it was a services they wanted to go through with.  
228 Captain Michaud stated that during a conversation the man that wrote this up works at Shop At Home Carpet but the person  
229 installing is another company. Captain Michaud stated that he honestly thinks they just underdid it. Captain Michaud stated  
230 that he would like to see it approved and the Council can put contingencies on it. Vice Chairman Butler stated that he would  
231 like to see the proposal rewritten so it is black and white in case there is a problem. Chairman Dolan stated you don't want to  
232 re-propose it because than you would have to rebid it but maybe Steve Cotton can amend the work order. Steve Cotton stated  
233 that all that would need to be added is that it would be applied to the manufacturers recommended installation. **Chair votes to**  
234 **approve Order #2014-16 with a vote of 5-0-0.**  
235

236 Chairman Dolan introduced the reappointment of the Londonderry Health Officer. Town Manager Smith stated the Council  
237 needs to vote on the reappointment of the Health Officer Richard Canuel. Motion to approve Richard Canuel as Health Officer  
238 made by Councilor Green and second by Councilor Freda. **Chair votes 5-0-0.**  
239

240 Chairman Dolan introduced renewal of the Salvage Junkyard. Canuel stated that Mr. Hill has scaled back his operation to  
241 almost nothing. He is reapplying to sort of maintain his license as active. There are no vehicles onsite now and no stockpile of  
242 tires or fluids. Councilor Farrell asked that since his house is up for sale does he want to renew his license so he can sell it as a  
243 junkyard. Canuel stated that he cannot do that. His license is not transferable. It is specifically for him. Motion to renew the  
244 Hills Salvage Junkyard made by Councilor Farrell and second by Councilor Freda. **Chair votes 5-0-0.**  
245

246 Chairman Dolan introduced Ordinance #2014-04, an amendment to the Municipal Code relation to nepotism and conflicts of  
247 interest. Councilor Freda stated that it is his understanding that the attorneys are still looking at it and it will need additional  
248 time. Town Manager Smith stated that it is his intent to bring it up in August once it has been thoroughly looked at. Councilor  
249 Freda motioned to continue Ordinance #2014-04 until the next meeting. Second by Vice Chairman Butler. **Chair votes 5-0-0.**  
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## APPROVAL OF MINUTES

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253 Motion to approve the Town Council minutes from June 16<sup>th</sup> meeting made by Councilor Farrell and second by Councilor  
254 Freda. **Chair votes 5-0-0.**  
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# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## LIAISON REPORTS

None

## TOWN MANAGER REPORT

Town Manager Smith stated that Old Home Day is quickly approaching.

## APPOINTMENTS / REAPPOINTMENTS

Chairman Dolan introduced the candidates for the Planning Board alternate position to be interviewed as well as one more interview at the next meeting.

Cutis Litterer, 49 Morrison Drive, stated that he is in the Nevins. He is recent to Londonderry. Litterer stated that he has recently retired as an IT manager. He has a long history of managing people and budgets. Litterer stated that he is interested in getting involved in the community. Councilor Farrell asked Litterer if he has served on boards in the past. Litterer stated that he has served as an executive position on a church board. He has done local club like stuff but nothing at this government level. Councilor Farrell stated that the Planning Board can meet two to three times a month. Councilor Farrell stated that it does take someone six months to come up to speed and there are classes the State offers. Councilor Freda asked Litterer if he has ever gone to one of the Planning Board meetings. Litterer stated he has not, he just retired. Councilor green asked Litterer if he knows what the Planning Board does in Londonderry. Litterer stated that he does not but he has seen other Planning Boards in other communities. Councilor Green asked Litterer if he would be interested in other boards. Litterer stated yes.

Ted Combes, 23 Holton Circle, stated that he has grown up in Londonderry. Combes stated that he was in the high school marching band and went to school at Suffolk University for business management and a minor in Government. Combes stated that he went to every one of the Woodmont Common meetings. Combes stated that he really got involved that way. He is now serving as Chairman on the Budget Committee and serves on the Master Implementation Committee. Combes stated that he would like to see the Town move in a good direction. Councilor Green stated that he likes to see the younger generation get involved. Councilor Green asked Combes what he can bring to the town to help the Town grow. Combes stated that one good perspective which he forgot to leave out, he has four years of property management experience, looking over drawings and plans. Vice Chairman Butler asked Combes to describe the NH Building Trades who Combes is a consultant for. Combes stated that they are a conglomerate of the NH unions. Right now he is doing various Political work for them. Combes stated that if there was ever a conflict of interested with a particular developer than he would reclude himself from that situation.

Chairman Dolan announced the resignation of Maria Newman from the Planning Board. Councilor Farrell motioned to accept Newman's resignation and thanked her for her service. Second by Councilor Green. **Chair votes 5-0-0.**

Chairman Dolan introduced the appointment of Dan Root to the Londonderry Housing and Redevelopment Authority. Motion to approve Root made by Councilor Farrell and second by Councilor Freda. **Chair votes 5-0-0.**

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## ADJOURNMENT

Motion to adjourn made by Councilor Farrell and second by Councilor Freda. **Chair votes 5-0-0.**

Notes and Tapes by:	Kirby Wade	Date: 07/21/14
Minutes Typed by:	Kirby Wade	Date: 07/28/14
Approved by:	Town Council	Date: 08/11/14

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