

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **September 22, 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 and John Farrell; Town Manager Kevin
8 Smith; Executive Assistant Kirby Wade; Absent: Councilor Joe Green

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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 all those
13 who serve us here and abroad.

14
15 **PUBLIC COMMENT**

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17 Chairman Dolan introduced Dan Saad from Liberty Utilities. Saad introduced himself and shared a littler about Liberty
18 Utilities. Saad stated that they serve approximately fifty communities in New Hampshire, both gas and electric. Saad stated
19 that they are located right on Buttrick Road. They have been there for about two years and they have hired about one hundred
20 and fifty employees over the last two years or so. Saad stated that prior to Londonderry, they had satellite operations up in
21 New Hampshire and they were run down in Massachusetts. Saad stated that they got great feedback on their approval process
22 and it was a productive process going through the Town of Londonderry. Saad stated that a week ago he met with Town
23 Manager Smith and rolled out a high level vision on where the Town of Londonderry is going with its growth. Saad stated
24 that he couldn't have been happier with the vision and Liberty Utilities supports it fully. Saad thanked the Council for their
25 time and stated that they look forward to working with Londonderry going forward. There were no questions from the
26 Council. Town Manager Smith presented Saad and Liberty Utilities with a small gift.

27
28 Tom Dolan opened up public comment to the public.

29
30 Gerard Adams, 54 Hall Rd, approached the mic. Chairman Dolan stated that the Town Manager met with the Adam's last
31 week to give them the benefit of where the legal advice has let the Council to this point so they could consider the Town's
32 probable direction. Chairman Dolan stated that if they want to talk on the subject he wants to keep it short because the public
33 hearing isn't scheduled until October 6th and it will be continued than. Adams stated that he is here to enlighten the residence.
34 Adams stated that a couple months ago he asked Chairman Dolan why he thought the court order was a black and white court
35 order after fourteen years of not honoring the court order. Adams stated that Chairman Dolan told the owner of the junkyard
36 that there were some stipulations that he should follow because there was an extension granted to him and the lawyer. Adams
37 stated that both Chairman Dolan and Councilor Freda did say that the junkyard must adhere to no late deliveries. Adams
38 stated that his question is why it is black and white in 2014 when it was not black and white for the previous thirteen years.
39 Chairman Dolan stated that what he had said was that the Council is going to extend the time to consider the renewal that the
40 existing conditions of the license that was granted last year, needs to remain in effect. Chairman Dolan stated that the last
41 piece that the Council was advised in black and white was the parking of company vehicles in front of the fence because it is
42 considered equipment. Adams stated that it was reiterated by Councilor Freda who said there would be no late deliveries.
43 Adams stated that Mr. Dudek stated that he was not going to abide by that even though, the late deliveries. Adams stated that
44 the late deliveries are still happening. Chairman Dolan asked Adams to refrain from public hearing comments. Chairman
45 Dolan told Adams that if he comes back on the 6th he will have a lot of freedom to go through his testimony for the public.
46 Adams stated that he and his wife met with Kevin Smith on Friday and Smith had told them what the Council was leaning
47 towards doing, which was to allow deliveries. Chairman Dolan stated that what Town Manager Smith was telling them is that
48 it is legal advice that the Town has received. Adams stated that they were told one thing by Town Manager Smith that had to

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49 do with allowing what was not allowed. Chairman Dolan stated that again, what the Town Council has done as a courtesy to
50 them is the Town Manager has shared with them some of the legal advice that the Council has been receiving along these
51 lines. Town Manager Smith stated that posted on the Towns website under the Building webpage there are the links to the
52 court orders. Mrs. Adams asked Town Manager Smith if the Town can put up the two hundred and eighteen page DES report
53 that deals with the contamination. Chairman Dolan stated that the Councils understanding
54 of that is that the Council doesn't have a say over that. It is a matter between the Junkyard and DES. Chairman Dolan stated
55 that it is not a matter for the Town to enforce so it would not be appropriate for the Town to post it on the website.
56

PUBLIC HEARING

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59 Chairman Dolan stated that there was a Public Hearing scheduled to talk an Ordinance talking about the sanctioning of
60 recreation groups. Chairman Dolan stated that if there is no objection the Council will postpone the Public Hearing to the 20th
61 of October. The Council agreed to continue the Public Hearing.
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OLD BUSINESS

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65 NONE
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NEW BUSINESS

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69 Chairman Dolan introduced Order #2014-21, expendable maintenance trust fund for various projects. Councilor Farrell read
70 in Order #2014-21. Motion to approve Order #2014-21 made by Councilor Farrell and second by Councilor Freda. Town
71 Manager Smith stated that this Order is for Town Hall unit #7 exterior AC condenser unit and the dry system temporary leak
72 repair. The request is for labor and materials. The total amount of the Order is for \$3,417.00. Vice Chairman Butler asked if
73 there was damage to Town Hall when the alarm was set off. Steve Cotton stated that he was able to repair the minimal
74 damage. Chair votes 4-0-0.
75

76 Chairman Dolan introduced Resolution #2014-04, the discontinuance of a portion of a class VI highway (Pettengill Road
77 from Industrial Drive to the easterly side of map 28, lot 17-2 and map 14, lot 49. Motion to wave the first reading and
78 schedule a public hearing on October 20th made by Councilor Farrell and second by Councilor Freda. Chair votes 4-0-0.
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80 Chairman Dolan introduced Ordinance #2014-05, an amendment to the municipal code around the possession and display of
81 fireworks. Vice Chairman Butler read in the Ordinance. Motion to accept the first reading and schedule a public hearing for
82 October 6th made by Councilor Farrell and second by Councilor Freda. Chair votes 4-0-0.
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84 Chairman Dolan introduced the update on Exit 4A from Town Manager Smith. Town Manager Smith stated that a couple
85 months ago, officials from the New Hampshire Department of Transportation met at a public meeting in Derry with the Derry
86 Town Council. Smith stated that he and Councilor Farrell both attended the meeting. The purpose of the meeting was for the
87 DOT to seek permission from both Town's to essentially turn over project management to the DOT. Smith stated that the
88 reason for asking for this is because part of their ten year highway transportation plan they are looking to add exit 4A to be a
89 part of that plan but in order for them to do that they need to have project management of the 4A construction plan. Smith
90 stated that the second reason is in order to try to leverage State and federal funds, they need to be the project manager on the
91 plan as oppose to the two Town's taking the lead on it. Smith stated that following that meeting, the Town of Derry submitted
92 a letter to the DOT granting them their request. Smith stated that tonight he is seeking the Londonderry Councils approval to
93 send a very similar letter to the DOT. Smith read the letter out loud. Smith stated that it does not commit or obligate the
94 Town to any more funding than the Town is already committed to as part of the project. Chairman Dolan stated that he will
95 entertain a motion to transfer project management to the DOT on this matter and to authorize the Town Manager to send the
96 letter he just read. Motion made by Councilor Farrell and second by Councilor Freda. Chair votes 4-0-0.
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APPROVAL OF MINUTES

Motion to approve the Town Council Minutes from September 8, 2014 made by Councilor Farrell and second by Councilor Freda. Chair votes 4-0-0.

LIAISON REPORTS

NONE

TOWN MANAGER REPORT

Chairman Dolan stated that earlier in the summer it was mentioned that target shooting in the Musquash would be addressed at a workshop this fall. Town Manager Smith stated that the workshop will be taking place on Tuesday, October 7th at 7 PM at the Londonderry High School Cafeteria. Chairman Dolan stated that it will be posted at Town Hall and in the Londonderry Times.

Town Manager Smith stated that at the last Council meeting there were some comments and questions asked regarding the Town's proposed workforce housing that is in the works. Smith stated that what has been approved and what is seeking approval, the Wallace Farm, two hundred and forty garden style rental apartments, fifty percent of which will be workforce housing. Those are located off of Perkins Road near exit 5. The Neighborworks are approved, seventy-eight rental two houses, all of which are workforce housing. Those are currently under construction off of Mammoth Road. Smith stated that there is a conceptual plan near Stonehenge Road which will be two hundred and eighty-eight rental apartments, approximately fifty percent to seventy-five percent of which will be workforce housing. Smith stated that they have been before the Planning Board but still need approval from the ZBA. Smith stated that another one is Hillside Town Houses located on Hillside Road, which is off of Londonderry Road are calling for ninety-six rental townhouses and condos, fifty to seventy-five percent will be workforce housing. Smith stated that they have not been before the Planning Board but are seeking a variance. Smith stated that there is a question to what workforce housing is. Smith stated that it is not subsidized housing, it is rent that is capped at a certain amount for people whose income levels, one they have to be working, but their income levels can't be higher than a certain amount. Smith stated that for this area he believes it is \$56,000 annually per household. Smith stated that the rents are capped at around \$1,400.

BOARD/COMMITTEE APPOINTMENTS/REAPPOINTMENTS

Motion to accept the resignation of Ann Chiampa from the Heritage Commission made by Councilor Farrell and second by Councilor Freda. Chair votes 4-0-0.

ADJOURNMENT

Motion to adjourn made by Councilor Farrell and second by Councilor Freda. **Chair votes 4-0-0.**

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| Notes and Tapes by: | Kirby Wade | Date: 09/22/14 |
| Minutes Typed by: | Kirby Wade | Date: 09/26/14 |
| Approved by: | Town Council | Date: 10/06/14 |