

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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2 **December 19, 2016**  
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4 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth  
5 Road, Londonderry, NH.  
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7 Present: Chairman John Farrell; Vice Chairman Tom Freda; Councilors Jim Butler, Joe Green and Tom  
8 Dolan; Town Manager Kevin Smith; Executive Assistant Kirby Wade  
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10 **CALL TO ORDER**  
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12 Chairman Farrell called the Town Council special meeting to order. Chairman Farrell led the Pledge of  
13 Allegiance. This was followed by a moment of silence for all those who serve us both here and abroad.  
14

15 **PUBLIC COMMENT**  
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17 John Farrell opened up the floor for public comment.  
18

19 Chairman Farrell read into the record a letter he would like to share with the public and the Council. {See  
20 attached. Chairman Farrell stated that based on what he just read he would like to direct the Town  
21 Council to direct the Town Manager about what we can do so that the Council doesn't just stand by as  
22 this goes through the Planning Board. Agreed to have Town Manager Smith work with Town Attorney  
23 Ramsdell to see what we can do about the situation.  
24

25 Martin Srugis, 17 Wimbledon Dr, stated that he is a member of the CART Board and CART does not  
26 have a Director of Services so they are looking to fill that spot. The Council referred to handout {see  
27 attached} and asked if CART offers a taxi voucher. Councilor Green stated that the whole point with the  
28 CART funding is that the Town is looking for options.  
29

30 Fire Chief Darren O'Brien introduced Battalion Chief Roger who was the commander on last  
31 Wednesday's vehicle accident on Rockingham Road involving the gasoline tanker. Battalion Chief Roger  
32 presented the Council with a PowerPoint with the update on the cleanup for the gasoline. Roger stated  
33 that cleanup will take shutting down the road in both directions, leaving Sanborn open to accommodate  
34 the buses and traffic. It is estimated that the cleanup will take three to four weeks, five days a week  
35 starting at 8:30 AM going to 4:00 PM. That way it doesn't get in the way of the morning and evening  
36 traffic. Roger stated that there is no water in the area but there are two houses. The Council thanked  
37 Battalion Chief all those first responders helping out and getting the job done. Chief Darren O'Brien  
38 stated that the cleanup is expected to cost about one million dollars once all is said and done.  
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## PUBLIC HEARING

NONE

## NEW BUSINESS

Chairman Farrell introduced Order #2016-39, an Order relative to the expenditure of Maintenance Trust Fund presented by Steve Cotton. Motion to approve Order #2016-39 made by Vice Chair Freda and second by Councilor Dolan. Councilor Butler recused himself from the vote due to a conflict of interest. Chair votes 4-0-0.

Chairman Farrell introduced Order #2016-40, an Order relative to the distribution of Fire Equipment Capital Reserve Funds. Fire Chief Darren O'Brien presented. Motion to approve Order #2016-40 made by Councilor Dolan and second by Vice Chair Freda. Chair votes 5-0-0.

## APPROVAL OF MINUTES

Motion to approve the Town Council minutes from December 5, 2016 made by Vice Chair Freda and second by Councilor Dolan. Chair votes 5-0-0.

## BOARD/COMMITTEE APPOINTMENT/RE-APPOINTMENT

The Town Council conducting interviews of members looking for re-appointment and new members looking to fill open positions. The Council interviewed various applicants for openings on The Conservation Commission, Heritage Commission, Planning Board, Senior Resources Committee and the Zoning Board. The following appointments were made...

Motion to approve Chris Davies and Al Sypek as full members of the Planning Board made by Councilor Green and second by Councilor Butler. Chair votes 5-0-0.

Motion to approve Kyle D'Urso as an alternate member of the Planning Board Councilor Green and second by Councilor Dolan. Chair votes 5-0-0.

Motion to approve Suzanne Brunelle and Bill Berardino as full members of the ZBA made by Councilor Green and second by Councilor Butler. Chair votes 5-0-0.

Motion to re-appoint Jackie Bernard as a full time member of the ZBA made by Councilor Green and second by Councilor Butler. Chair votes 5-0-0.

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81 Motion to appoint Lee Jeffers as an alternate to the ZBA made by Councilor Green and second by  
82 Councilor Dolan. Chair votes 5-0-0.

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84 Motion to re-appoint Jamie Mantini and Mike Noone to Conservation Commission as full members made  
85 by Councilor Green and second by Councilor Green and second by Vice Chair Freda. Chair votes 5-0-0.

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### **ADJOURNMENT**

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89 Motion to adjourn made by Councilor Dolan and second by Councilor Green. Chair votes 5-0-0.

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91 Notes and Tapes by: Kirby Wade Date: 12/19/2016

92 Minutes Typed by: Kirby Wade Date: 12/23/2016

93 Approved by: Town Council Date: 01/09/2017

When I first interviewed for the Planning Board in 1999 they ask me why I was interested, I answered that my father who had passed away recently was on the Board in the town I grew up in for 25 years. I wanted to follow what he had done help protect the community and shape its future the real question was what kind of Londonderry do we want, while change may come it needs to be managed.

During the next 11 years many things became clear, being a Dillon rule state was a lot harder than a Home rules state. We were dictated to by the state and not permitted to create Laws/ Ordinances that were stronger than the RSA's

We became very aggressive and smart writing new land regulations and in many cases leading from out in front of the state, moving faster so the Legislative bodies were asking us questions and taking their lead from Londonderry, it was effective for many years.

About 7-8 years ago the State enacted a Work Force Housing RSA that forced us to adopt ordinances at the local level. The RSA was confusing and we worked with Tim Thompson and the Town Attorney to draft something that would stand the test of time, and was also legally defensible. The Planning Board conducted multiple public hearings many abutters suggested that we just tell the state the door is closed in Londonderry. This was not an option because we are a Dillon rule state they dictate to us. Our lawyers told us this was the best written and enforceable ordinance in the state to date, and would have us in the best position to proactively manage these projects.

The Planning board sent this Ordinance to the Town Council for approval and adoption. The same coalition of abutters demanded that the Town Council reject the ordinance. They denied it and sent it back to the Planning Board with the criteria of what they wanted for adoption. Under pressure from the Town Council the Planning board complied and presented an ordinance which did not meet the needs of the RSA and was indefensible. This was adopted and was ultimately overturned as an unenforceable ordinance.

The current Town Council worked with the Planning Board and we now have a workable enforceable ordinance, but the barn door was already open. This was one of the 2 reasons I ran for office, the other was Woodmont. Back to the original question what kind of Londonderry do you want?

The Current project at Stone hedge and Hardy reminds of a Square peg going into a round hole, it just doesn't fit. Introducing 500 cars to Stone Hedge / Hardy & Stone Hedge & RT 28 ... on these old stage coach and farmers roads creates a dangerous situation. These areas and neighborhoods weren't built for this situation no matter what the traffic study says or not.

Tonight I would like to ask for a consensus from the Council to direct the Town Manager to work with Attorney Ramsdell to analyze and review all possible legal remedies including the purchasing the land in the same matter as we did over 10 years ago when the Nevins project wanted to build several hundred apartments behind Home Depot.

CART FY2016 Trip by Town by Month

DEMAND RESPONSE	Oct15	Nov15	Dec15	Jan16	Feb16	Mar16	Apr16	May16	Jun16	Jul16	Aug16	Sep16	Total
Chester	17	22	32	20	26	31	24	28	30	47	30	41	348
Derry	164	101	130	113	102	121	135	130	145	130	171	165	1,607
Hampstead	43	25	25	10	20	15	20	29	14	9	27	52	289
Londonderry	65	43	58	51	53	65	68	71	75	42	51	37	679
Salem	231	190	229	197	211	209	234	232	246	215	289	247	2,730
Other	0	0	0	0	0	0	0	0	0	0	0	0	-
<b>TOTAL</b>	<b>520</b>	<b>381</b>	<b>474</b>	<b>391</b>	<b>412</b>	<b>441</b>	<b>481</b>	<b>490</b>	<b>510</b>	<b>443</b>	<b>568</b>	<b>542</b>	<b>5,653</b>
FY15 DR Totals	588	495	489	453	401	496	416	339	402	499	468	498	5,544

SALEM SHUTTLE	Oct15	Nov15	Dec15	Jan16	Feb16	Mar16	Apr16	May16	Jun16	Jul16	Aug16	Sep16	Total
Salem	200	204	204	172	182	197	194	164	176	194	228	199	2,314
<b>TOTAL</b>	<b>200</b>	<b>204</b>	<b>204</b>	<b>172</b>	<b>182</b>	<b>197</b>	<b>194</b>	<b>164</b>	<b>176</b>	<b>194</b>	<b>228</b>	<b>199</b>	<b>2,314</b>

TAXI VOUCHER	Oct15	Nov15	Dec15	Jan16	Feb16	Mar16	Apr16	May16	Jun16	Jul16	Aug16	Sep16	Total
Derry	16	16	16	10	4	0	0	1	3	2	3	2	72
Londonderry	2	2	2	3	0	0	0	0	0	0	0	0	9
Salem	10	10	10	9	1	0	1	4	2	3	2	3	54
<b>All Towns</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>22</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>116</b>

POS SHUTTLES	Oct15	Nov15	Dec15	Jan16	Feb16	Mar16	Apr16	May16	Jun16	Jul16	Aug16	Sep16	Total
Derry	216	175	187	201	207	245	200	183	180	187	220	198	2,399
L'Derry	122	99	105	113	116	138	112	103	102	105	124	111	1,350
Hampstead	117	121	92	132	117	139	113	68	77	82	117	139	1,314
<b>TOTAL</b>	<b>455</b>	<b>395</b>	<b>384</b>	<b>446</b>	<b>440</b>	<b>522</b>	<b>425</b>	<b>354</b>	<b>359</b>	<b>374</b>	<b>461</b>	<b>448</b>	<b>5,063</b>
FY16 POS Totals	455	395	384	446	440	522	425	354	359	374	461	448	5,063
FY15 POS Totals	508	415	444	336	290	431	512	469	512	421	371	431	5,140

TOWN	FY16		FY15	
	FY16	FY16%	FY15	FY15%
Chester	348	2.6%	436	3.2%
Derry	4,078	31.0%	5,025	36.5%
Hampstead	1,603	12.2%	1,309	9.5%
Londonderry	2,037	15.5%	2,379	17.3%
Salem	5,098	38.7%	4,613	33.5%
<b>TOTAL</b>	<b>13,164</b>	<b>100.0%</b>	<b>13,762</b>	<b>100.0%</b>