

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **March 6, 2017**

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

5
6 Present: Chairman John Farrell; Vice Chairman Tom Freda; Councilors Jim Butler, Tom Dolan and Joe
7 Green; Town Manager Kevin Smith; Executive Assistant Kirby Wade;

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9 **CALL TO ORDER**

10
11 Chairman Farrell called the Town Council special meeting to order. Chairman Farrell led the Pledge of
12 Allegiance. This was followed by a moment of silence for Stephen Green, father of Councilor Joe Green
13 and all first responders.

14
15 **PUBLIC COMMENT**

16
17 Deb Paul, 118 Hardey Rd, asked about the communication system and if it was the same as Derry.
18 Battalion Chief Mike McQuillen stated that it is not the same as Derry. Chairman Farrell asked Town
19 Manager Smith if he could look into what the differences are.

20
21 Chairman Farrell read a personal statement into the record...

22
23 Several issues have come up over the last several months.

- 24 1. Stone Hedge/Hardy road multiunit development. I read into the record my point of view of the
25 development, calling it the square peg in a round hole, wrong place in town for this development.
26 The Town Council directed the TM & TA to approach the developers with remedies up to and
27 including purchasing the land.

28
29 The TA spoke with the developer's attorney who communicated to us that the developer was not
30 interested in altering the plan or selling the land. The developer asked through a third party to meet
31 with me. I discussed this with the TC and they agreed that we should meet. I communicated that we
32 did not see this development as a good fit for Londonderry. Additionally, we discussed that the
33 conservation commission was interested in purchasing the land. I strongly encouraged them to come
34 back to the TA with an offer to purchase. The developer paid 750K for the land and we have 1.6 million
35 in our conservation fund, we also discussed going to special election if needed as was done when the
36 Nevins project wanted to build 600 units, this was approved for 2.6 million by the voters. The current
37 130 unit 55 and older complex was built. 10 days ago the developer's attorney informed us that the
38 Stonehedge developer was not interested in selling the land, and there was no point to engaging in any
39 further conversations. They stated their confidence that they would prevail with the Planning Board or
40 at Superior court.

41
42 Regarding the workforce housing ordinance that was in place when the developer submitted the

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43 pending application, it was examined by our TA and he advised us it was unlawful. The opinion was
44 shared by the previous Town Planner. To be clear, the prior Town Attorney and prior Town Manager,
45 along with a previous Town Council and previous Planning Board allowed an ordinance to be enacted
46 that was unenforceable under state law. This TC, TM, and PB, with the assistance of the TA, enacted a
47 new Ordinance which is lawful and is our current Ordinance. Unfortunately, the developer's pending
48 application must be evaluated in light of the Ordinance, which will not withstand a challenge in
49 superior court.

50
51 2. Most term limits are controlled by State Law. For example, state law requires that the term for all
52 elected and appointed PB, ZBA, and other land use board members is three years. State law does
53 not limit the number of terms an elected or appointed land use board member may serve. The
54 petitioner of the advisory article from last year was advised of this multiple times before and after
55 the item went to ballot. If you want term limits you need to address this with the state legislative
56 body. The only option available to us was to possibility have boards/committees such as the
57 Recreation, Senior Affairs, and Solid Waste could have term limits. These boards have
58 historically had poor volunteer response and difficult to fill at times. Any change would require a
59 charter change. The advisory article was not specifically defined and never informed the voter of
60 the state statute or lack of a statute regarding term limits, therefore it was confusing.

61
62 3 Some have asked about building moratoriums. Londonderry has a Growth Management
63 Ordinance in place with very specific requirements. Once again we must follow state law
64 regarding Planning Board laws and requirements. Additionally, no one has approached the Town
65 Council in the last seven years and asked for any changes to the current ordinance

66 During my 7 years on the TC and 11 years on Planning Board traffic concerns have always been the
67 town's top concern. Over the years many developers have come in and said that this intersection is not
68 an issue or you have take a right or a left or add a turn lane that will fix it. Those people don't live
69 here this is not their town, we live here it is our town. We have a sworn an oath to uphold the NH
70 constitution, state law, and our municipal ordinances.

71
72 We are the front line advocates to the taxpayers of Londonderry, which is our sworn duty. When
73 developers make claims that make us suspicious, we investigate the claims through the PB, Town Staff,
74 State DOT, and any other necessary resources. Once the claim has been fully investigated, we report
75 back to you, the people who elected us. Most often, we are able to report favorable news. Occasionally,
76 state law or the work of our predecessors does not allow favorable news. What is most important to us
77 is that we provide correct information to the Town and make decisions in the Town's best interests
78 within the framework of what we are given to work with.

79
80 Please also understand that the Planning Board Chairman Art Rugg has had a series of health issues
81 including most recently he suffered a heart attack. He is doing well and is recovering at home. We
82 expect him back in a couple of months. He wants to thank the LFD for the great care he received that
83 day. Additionally, during the last five years every member of the Town council has had a serious
84 health issue to work past, including mine which was surgery for cancer 3 months ago. At this time I
85 can report that we are all doing well and can truly state that we give our all for Londonderry.
86

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87 Now at this time I would like to read a proclamation from the Town Council.

88

89 End of statement.

90

91 Chairman Farrell stated that Tom Freda, Jim Butler, Tom Dolan and Joe Green have all had surgery in the
92 time that they have served and we all continue to come and do the job as Town Councilor. Chairman
93 Farrell stated that Councilor Green has lost both of his parents yet he is still present at the meetings.
94 Chairman Farrell stated that at this time he is happy to report that all Councilors are doing well.

95

96 Chairman Farrell presented Vice-Chair Freda with a jacket and a Proclamation on behalf of his retirement
97 from Town Council.

98

99

PUBLIC HEARING

100

101 Motion to open Public Hearing made by Councilor Green and second by Councilor Butler. Chair votes
102 5-0-0.

103

104 Chairman Farrell introduced Public Hearing on the sale of town-owned property at 68 Hall Rd. to Mr.
105 Jim Taylor. This is the first public hearing. There will be another Public Hearing on March 20th.

106

107 Town Manager Smith introduced Jim Taylor. Smith stated that he approached the Town about purchasing
108 the property which was deeded by the town back in 2013. Taylor offered to purchase the property for the
109 price of the back-taxes along with the interest that was due for a total of \$24,377.00. Town Manager
110 Smith referred to the public back-up information and the purchase and sales. Town Manager Smith stated
111 that first it had to go through a public hearing with the Conservation Commission and the Planning Board
112 before coming to Town Council. Both have given the green light.

113

114 Jim Taylor, 11 MacIntosh Drive, stated that his intent is to purchase the property. Taylor stated that the
115 junkyard is near the property. Taylor stated he will get title insurance on the property.

116

117 There was no public comment.

118

119 Councilor Green asked how long it has been in the current condition that it's in now. Town Manager
120 Smith stated that it was deeded in March 27, 2013 which means there were liens on the property for taxes
121 not being paid since 2010. Town Manager Smith stated that he received an e-mail from one gentleman
122 who stated interest in wanted to purchase the property as well and he was informed of the Public Hearing
123 and he was encouraged to come and express to Council if he still has interest.

124

125 Councilor Dolan asked if the property has working septic. Taylor stated he couldn't find record of a septic
126 or well.

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127

128 Deb Paul, 118 Hardey Rd, asked how many acres it is and does it have a 150 ft. frontage. Will it need
129 variances? Taylor stated that is .9 acres.

130

131 Motion to close Public Hearing made by Councilor Green and second by Vice-Chair Freda. Chair votes
132 5-0-0.

133

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OLD BUSINESS

135

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NONE

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NEW BUSINESS

139

140 Chairman Farrell introduced the Fire Department to give a state wide communications update. Chairman
141 Farrell stated that he heard from Chief O'Brien that there was not much new information. Battalion Chief
142 Mike McQuillen stated that it is a digital system they are looking at building. It is designed to be data
143 sharing for cellphones and having a dedicated communications system for first responders.

144

145 Battalion Chief Mike McQuillen stated that they can refer to firstnet.gov if you look it up online. They
146 have information.

147

148 Chairman Farrell introduced Order #2017-06, and Order relative to the expenditure of Maintenance Trust
149 Fund for various projects. Steve Cotton presented. Cotton stated that it is for a total of \$15,180.00. This
150 Order is for winter maintenance. Councilor Butler removed himself due to conflict of interest. Motion to
151 approve Order #2017-06 made by Councilor Green and second by Vice Chair Freda. Chair votes 4-0-0.

152

153 Chairman Farrell introduced Order #2017-07, an Order relative to the withdrawal of Capital Reserve
154 Funds for aerial photography and GIS data collection. John Vogl, GIS Manager, presented Order to
155 Council. Vogl stated they are looking to make a withdrawal in the amount of \$68,000 to fund flyover to
156 be conducted in April. Councilor Dolan asked about the painted white lines last time. Vogl stated that this
157 will not be needed this time. Councilor Green asked how many bids were received. Vogl stated it went
158 out to RFP and we received one bid. Motion to approve Order #2017-07 made by Councilor Dolan and
159 second by Vice Chair Freda. Chair votes 5-0-0.

160

161 Chairman Farrell introduced Resolution #2017-01, a Resolution relative to the re-naming of a portion of
162 Garden Lane. This is the first reading. The Public Hearing on March 20th. Motion to waived first reading
163 made by Councilor Green and second by Vice Chair Freda. Chair votes 5-0-0.

164

165

APPROVAL OF MINUTES

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167 Approval of Town Council minutes from February 13, 2017 made by Councilor Dolan and second by
168 Vice-Chair Freda. Chair votes 5-0-0.

169

170 **BOARD/COMMITTEE APPOINTMENT/RE-APPOINTMENT**

171

172 **NONE**

173

174 **TOWN MANAGER REPORT**

175

176 Kevin introduced Stacie Street who's filling in for Kirby Wade while on leave.

177

178 Chairman Farrell mentioned Town Election day is Tuesday, March 14th from 7 AM to 8 PM at the High
179 School Gym.

180

181 **ADJOURNMENT**

182

183 Motion to adjourn made by Vice-Chair Freda and second by Councilor Green. Chair votes 5-0-0.

184

185 Notes and Tapes by: Your name Date: 03/06/2017

186 Minutes Typed by: Kirby Wade/Stacie Street Date: 03/07/2017

187 Approved by: Town Council Date: 03/20/2017