

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **June 17, 2019**

2
3 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall,
4 268B Mammoth Road, Londonderry, NH.
5

6 Present: Chairman John Farrell; Vice-Chairman Joe Green; Councilor Jim Butler and Ted
7 Combes; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik; Executive
8 Assistant Kirby Brown; Absent: Councilor Tom Dolan
9

10 **CALL TO ORDER**

11
12 Chairman Farrell called the Town Council special meeting to order and led the Pledge of
13 Allegiance. This was followed by a moment of silence for those who serve us both here
14 and abroad in the military and as first responders.
15

16 **PUBLIC COMMENT**

17
18 Chairman Farrell mentioned that there were a lot of people in the room. Most people
19 were in the room for the public hearing. Chairman Farrell opened up the meeting first to
20 public comment.
21

22 Rob Boyce, 4 Grove St, stated that he has lived in Londonderry since 1967. Boyce
23 explained his situation to the Council regarding his ongoing battle with the court because
24 he broke some town ordinances. Boyce stated that he has had problems with his
25 neighbors. Boyce stated that he has spoken to Kevin a few times regarding the situation.
26 He has tried to meet with Kevin a few times since then and has been unsuccessful. Boyce
27 stated that he has recently been served another summons. The summons did not reflect
28 the case, Boyce stated. Boyce stated that he is stuck with a legal bill when he feels he is
29 being wrongfully served. Boyce stated that he needs to prove his points and make his
30 points to dismiss. Boyce stated that the town didn't follow their own procedures and now
31 he has to defend himself against bogus charges because he has cleaned up his yard and
32 feels he is in compliance. Boyce stated that he didn't realize the agreement included him
33 having to pay legal fees. Boyce stated he lost his job and he doesn't have a lot. Boyce
34 stated he has been acting in good faith so he doesn't know why he is being served
35 without notice.
36

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37 Chairman Farrell stated that the town attorney is in the room. Chairman Farrell stated to
38 Boyce his best bet is with the courts and he is better off having a conversation with them.
39 Chairman Farrell stated that he does not believe the Council is in any position to take any
40 kind of action. Boyce stated that he has made numerous attempts to contact the town.
41 Chairman Farrell checked with the Council and the Council is not able to take any action
42 on the situation and that he will have to talk to the court. Land owners have a lot of rights
43 in this state. Chairman Farrell stated that he understands where Boyce is coming from.
44 Boyce thanked the Council for their time.

45
46 Chairman Farrell gave a brief update on the CIP meeting from earlier in the night
47 Chairman Farrell stated that they believe the town needs to go into a moratorium on
48 bonds. Chairman Farrell stated that they believe for the next two years there is no real
49 need to any additional bonding in town. Chairman Farrell stated that this meant that the
50 Council won't be going to the voters to ask them to build any new facilities or anything
51 along those lines. Chairman Farrell stated that the school department is asking for a
52 seventy million dollar bond to add to their facilities and to add full-day kindergarten.
53 Chairman Farrell stated that their population is down from 5600 to 4000 people.
54 Chairman Farrell stated that as Chairman of the CIP Committee, he is going to be looking
55 in to why they need to add onto their facilities when their student population is down
56 30%. Chairman Farrell stated that he suggests, as voters, everyone else gets educated on
57 it as well.

58

59

PUBLIC HEARING

60

61 Motion to enter public hearing made by Vice Chairman Green and second by Councilor
62 Combes. Chair votes 4-0-0.

63

64 Chairman Farrell introduced Ordinance #2019-03, an Ordinance relative to the rezoning
65 on map 2, lot 27, 6 Tavern Hill Road. Town Planner Colleen Mailloux presented.
66 Mailloux stated that it's approximately a sixty eight acre parcel. It is a fifty-five plus
67 community, Hickory Woods. This property is currently has multiple zoning districts on
68 the parcel. It is fully developed. This will clean up the zoning.

69

70 Phillip Lee, 22 Quarry Rd, stated that he represents the Hickory Wood Homeowners
71 Association as their president. Lee stated that the request has been summed up. They are
72 asking for this parcel to be rezoned to AR-1.

73

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74 Vice Chairman Green motioned to approve Ordinance #2019-03. Second by Councilor
75 Butler. Chair votes 4-0-0.

76
77 Chairman Farrell introduced the acceptance of unanticipated funds donations under RSA
78 31:95-b. Finance Director Justin Campo presented. Campo stated that we usually do this at
79 fiscal year-end. In order to accept anything, we have to have a Resolution. Town Manager
80 Smith suggested that the Council takes up Resolution #2019-06 and Resolution #2019-07,
81 both Resolutions relative to the acceptance of unanticipated revenue under RSA 31:95-b.
82 Campo stated that one Resolution is for a grant for the Police Department has applied for
83 and received to obtain ten night vision goggles. Motion to approve Resolution #2019-06
84 and Resolution #2019-07 made by Vice Chairman Green and second by Councilor Butler.
85 Chair votes 4-0-0.

86
87 Chairman Farrell invited up Town Solicitor Mike Malaguti to present the transfer of Map
88 16, Lot 97, 104 Rockingham Road from the Twenty Associates, LLC to the Town of
89 Londonderry. Malaguti stated that this parcel is approximately three acres. It is landlocked
90 and it's accessible through via Liberty Drive. It is currently assessed by the town at
91 \$19,000. Malaguti stated that on February 4th, Mike Speltz with the Conservation
92 Commission was at the Town Council meeting to talk about the characteristics. It is being
93 offered as a donation to the town. Speltz was given the okay to move forward.

94
95 Ray Breslin, 3 Gary Drive, confirmed that the property is being donated to the town.
96 Breslin asked if this will allow the town to gain any access to the northeast side of Scobie
97 Pond. Malaguti stated that it is not in the same area. Breslin asked if the town has access
98 to Scobie Pond. Smith stated that we do on the south side.

99
100 Malaguti stated that unlike the other land donation, the transfer of Map 16, Lot 97, 104
101 Rockingham Road, this one only requires one public hearing. Motion to accept the land
102 donation made by Councilor Combes and second by Vide Chairman Green. Chair votes 4-
103 0-0.

104
105 Motion to close public hearing made by Vice Chairman Green and second by Councilor
106 Combes. Chair votes 4-0-0.

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OLD BUSINESS

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112
113 Town Solicitor Mike Malaguti did an overview about the transfer of Map 7, Lot 40-13
114 from the Town of Londonderry to Vernco Apple, LLC, which the Town Council has had
115 two public hearings on over the last few weeks. Malaguti stated that he is looking to
116 approval tonight. Councilor Combes motioned to transfer Map 7, Lot 40-13 from the
117 Town of Londonderry to Vernco Apple LLC. Second by Councilor Butler. Chair votes 4-
118 0-0.

NEW BUSINESS

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120
121
122 Chairman Farrell introduced Order #2019-17, an Order relative to the expenditure of
123 Maintenance Trust Fund for various projects. Steve Cotton presented. Cotton stated that
124 there was a repair at Town Hall, a second AC unit. The units were put in in 2005 and we
125 do yearly maintenance but they are getting old. Second item is replacing twelve windows
126 around Town Hall because the seals broke. Motion to approve Order #2019-17 made by
127 Councilor Combes and second by Vice Chairman Green.

128
129 Chairman Farrell introduced Order #2019-18, an Order relative to the distribution of Fire
130 Equipment Capital Reserve Funds. Chief Darren O'Brien presented. Motion to approve
131 Order #2019-18 made by Vice Chairman Green and second by Councilor Butler.

132
133 Chairman Farrell introduced Orders #2019-19 and #2019-20, Orders relative to the
134 licensing of junkyard pursuant to RSA 31:05-b, Murrays Auto and S&S Metals. Building
135 Inspector Richards Canuel presented a yearly report and stated that both of these
136 junkyards are in compliance.

137
138 Richard Belinski, 89 Hall Rd, stated that he is here to speak about Murrays. Belinski
139 stated that he admits in some years they have cleaned up their act, in others they haven't.
140 Belinski stated that there is still a fencing issue and the cars are always over the fence.
141 Belinski shared pictures with the Council of the fence from the road. Belinski stated that
142 cars are constantly where you can see them. Belinski stated that the fabric fence does not
143 hold up. Belinski discussed a few issues with the Council. Belinski stated that by state
144 law, it has to be a solidly built fence. Belinski stated that it is not. Chairman Farrell stated
145 that at this point it would be up to the courts since its court ordered. Belinski stated that
146 it's in the condition for his license that no cars should be above the fence. Chairman
147 Farrell stated that in order to change the fencing, it would have to go to the court. Belinski

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148 stated to Chairman Farrell that he was going to ask him to step down since his and his
149 wife's political signs are the only ones that go on Murray's property. Chairman Farrell
150 reiterated that what is currently being enforced is a fabric fence and if it needs to change it
151 needs to go through the court. Chairman Farrell had to ask Belinski to step down.

152
153 Motion to approve Orders #2019-19 and #2019-20 made by Vice Chairman Green and
154 second by Councilor Butler. Chair votes 4-0-0.

155

APPROVAL OF MINUTES

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157
158 Motion to approve Town Council minutes from June 3, 2019 made by Vice Chairman
159 Green and second by Councilor Combes. Chair votes 3-1-0.

160

APPOINTMENTS/RE-APPOINTMENTS

161

ADJOURNMENT

162

163
164
165 Motion to adjourn made by Councilor Combes and second by Vice Chairman Green. Chair
166 votes 4-0-0.

167

168 Notes and Tapes by: Kirby Brown Date: 06/17/2019

169 Minutes Typed by: Kirby Brown Date: 06/28/2019

170 Approved by: Town Council Date: 07/15/2019