

**TOWN COUNCIL  
AGENDA  
June 7, 2010**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. *All regular meetings will be adjourned by 10:00pm unless otherwise notified.*

7:00 PM

I. CALL TO ORDER

II. PUBLIC COMMENT

A. Carol Bartlett, Beautify Londonderry participant

III. OLD BUSINESS

A. Order #2010-03 – Relative to the Licensing of a Junkyard Pursuant to RSA 236, Murray’s Auto Recycling

B.

IV. NEW BUSINESS

A. Resolution #2010-16 – Relative to an Agreement for Technology Support Services

B. Order #2010-11 – Relative to Expenditure of Maintenance Trust Funds for Various Projects

C. Planning Board Request

V. APPROVAL OF MINUTES

A. Minutes of Council’s Public Meeting of 5/17/10

VI. OTHER BUSINESS

A. Liaison Reports

B. Town Manager Reports

C. Board/Committee Appointments/Reappointments

1. Resignation of Gregory Descoteaux from the Londonderry Arts Council-Ad Hoc Position

2. Resignation of Larry Casey from the Londonderry Arts Council-Ad Hoc Position

3. Appointment of Elaine Farmer to the Londonderry Arts Council-Ad Hoc Position
4. Appointment of Barbara Scott to the Londonderry Arts Council-Ad Hoc Position

VII. ADJOURNMENT

VIII. MEETING SCHEDULE:

- A. Town Council Meeting – June 21, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- B. Town Council Meeting – July 19, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- C. Town Council Meeting – August 2, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- D. Town Council Meeting – August 23, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

## SUPPORTING DOCUMENTATION COUNCIL MEETING OF JUNE 7, 2010

I. CALL TO ORDER

II. PUBLIC COMMENT

- A. Carol Bartlett, Beautify Londonderry participant – Ms. Bartlett requested an opportunity to speak with the Council regarding littering on Gilcreast Road and the posting of signs to deter that activity.

III. OLD BUSINESS –

- A. Order #2010-03 –Relative to the Licensing of a Junkyard Pursuant to RSA 236, Murray’s Auto Recycling – Attached is a letter from Richard Canuel which updates Mr. Dudek’s activities toward achieving compliance with his license renewal. This Order was tabled from the Council’s March 1, 2010 meeting; state statutes have been revised whereas the license renewal date is now July 1.

IV. NEW BUSINESS –

- A. Resolution #2010-16 – Relative to an Agreement for Technology Support Services - One of the Town Council’s FY11 goals is to periodically seek proposals to provide technology support services to the Town. The Town received seven proposals (summary attached). After a comprehensive review, it is recommended that the Council approve the attached resolution which would award the contract to Spaulding Hill Networks, Nashua, NH.
- B. Order #2010 -11 - Relative to Expenditure of Maintenance Trust Funds for Various Projects – Attached is an Order seeking authorization to fund repairs at various locations in the amount of \$7,031.75.
- C. Planning Board Request – The Planning Board, at its June 2, 2010 meeting, voted to request the Londonderry Town Council investigate the why and how that Crowell's Corner, LLC (or Nutfield Publishing) was allowed to occupy and operate at 2 Litchfield Road for four (4) years without a Certificate of Occupancy. I will be forwarding a memo on this matter to the Council prior to the meeting.

V. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 5/17/10.

VI. OTHER BUSINESS

D. Liaison Reports –

E. Town Manager Reports –

F. Board/Committee Appointments/Reappointments -

5. Resignation of Gregory Descoteaux from the Londonderry Arts Council-Ad Hoc Position
6. Resignation of Larry Casey from the Londonderry Arts Council-Ad Hoc Position
7. Appointment of Elaine Farmer to the Londonderry Arts Council-Ad Hoc Position
8. Appointment of Barbara Scott to the Londonderry Arts Council-Ad Hoc Position

VII. ADJOURNMENT –

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**FOLLOW-UP FROM COUNCIL'S  
May 17, 2010 MEETING**

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ISSUE	ACTION	RESPONSIBILITY
Revs & Expenses	Post on Website as Info Tool <i>(Done)</i>	Dave/Sue
CBA	Review and present negotiation strategies <i>(In process)</i>	Dave/Sue

**FOLLOW-UP FROM COUNCIL'S  
April 5, 2010 MEETING**

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ISSUE	ACTION	RESPONSIBILITY
Solid Waste	Investigate additional Holiday trash collection; 95 gallon containers; expand Drop Off Center Hours. <i>(In process)</i>	Janusz

# ORDER 2010-03

An Order Relative to

## THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 03/01/10

Second Reading: 06/07/10

Adopted: XX/XX/XXXX

**WHEREAS** Edward Dudek, Jr., who resides at 36 Strafford Lane, Bedford, NH, and is the owner of Murray's Auto Recycling, 55 Hall Road, Londonderry, NH desires a license to continue operations of said business; and

**WHEREAS** Edward Dudek, Jr., has complied with the requirements of RSA 236 and other conditions of operations as set forth by the Town Council; and

**WHEREAS** the Londonderry Town Council, acting as the Governing Body of the Town has such licensing authority and with approval of the Londonderry Building/Health Inspector who has oversight authority, it appears that the public good so requires such license be granted;

**IT IS THEREFORE ORDERED** by the Londonderry Town Council that Edward Dudek, Jr., doing business as Murray's Auto Recycling, be granted a license to operate an auto recycling facility with the conditions as set forth in the attached agreement.

\_\_\_\_\_  
Paul DiMarco - Chairman  
Town Council

( TOWN SEAL )

\_\_\_\_\_  
Meg Seymour - Town Clerk/Tax Collector

**A TRUE COPY ATTEST:**  
xx/xx/xx



**TOWN OF LONDONDERRY**  
**Building, Health & Zoning Enforcement**

268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 115 Fax: 432-1128

May 24, 2010

Mr. Edward Dudek, Jr.  
36 Strafford Lane  
Bedford, NH 03110

Re: Murray's Auto Recycling 55 Hall Rd., Londonderry, NH Map 15 Lot 13

Dear Mr. Dudek:

This letter is a follow-up to the re-inspection of your facility that I conducted this morning, accompanied by Assistant Building Inspector John Gilcreast. The purpose of this inspection was to determine compliance with conditions of your license. As you well know, there were some outstanding items that needed to be addressed before the Town Council could approve the renewal of your license.

Among the number of licensing conditions, the following items required your attention.

Item 1. As a result of the DES inspection in January some "housekeeping" was required to comply with the state's Best Management Practices.

Item 2.e. The required earth berm needed to be reconstructed.

Item 3. The fabric layer at the upper section of fencing had to be re-secured.

It was observed during our site inspection that the above items have been sufficiently addressed, and are in compliance with the license conditions.

In addition to the above listed conditions, there is the ongoing concern regarding the hours of operation, as stated in condition number 5. This office continues to receive reports from the abutting property owner that deliveries and activities are occurring after 5PM. This is a matter that the Town Council will address during the upcoming meeting regarding your license.

I caution you to be mindful of your daily activities and conduct your operation within the established time limits. You have been noticed that after-hour deliveries are considered a part of the junkyard operation, for which you were forewarned of legal recourse for this infraction.

Mr. Edward Dudek, Jr.

May 24, 2010

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**The Town Council is scheduled to meet for the purpose of determining the renewal of your license on June 7, 2010 at 7:00pm in the Council Chambers.** In the meantime, this office will continue to monitor your business operation and report any unacceptable activity to the Council for their consideration.

If you have any questions, please do not hesitate to contact my office. Your cooperation in this matter is greatly appreciated.

Sincerely,



Richard G. Canuel  
Senior Building Inspector

Cc: Town Council  
Matthew R. Serge, Town Attorney



## MEMORANDUM

To: Town Council

From: Richard G. Canuel, Senior Building Inspector

Date: February 22, 2010

Subject: Site Inspection, Murray's Auto Recycling 55 Hall Rd.

An inspection of the subject junkyard was conducted on this date to determine compliance with license conditions in preparation for renewal.

*Note: The license renewal provisions of RSA 236:121 were amended in 2009 to establish an effective date of July 1. All licenses issued under this statute remain in effect until July 1, 2010.*

Overall, the applicant appears to be in compliance with the licensing conditions for this site with the exception those listed below.

Item 1. Mr. Dudek continues to work with DES personnel to address the Best Management Practices (BMP) deficiencies discovered during his latest yard inspection.

Item 2. e. The required berm needs some attention. Mr. Dudek stated that he intends to conduct maintenance of the berm in the spring when ground conditions permit. **This office will monitor that progress.**

Item 2. g. A box trailer is not longer used for the storage of tires on site. What few tires that are retained are stored inside the building. **This license condition is therefore unnecessary, and I recommend that it not be reinstated for the 2010 license period.**

Item 3. The additional fabric layer attached to the easterly fence needs to be re-secured at one section. The affect of the visual screening remains, but the fabric is not adequately secured to prevent "flapping". **I will return to the site at a later date to confirm.**

Item 5. This office has received notification from the abutting property owner that vehicle deliveries have occurred on several occasions after hours. According to the conditional hours of operation, junkyard operations and business transactions must be concluded at 5PM. Although we have not observed this activity first hand, due to its intermittence, a notice has been issued to Mr. Dudek (copy attached) cautioning him to be mindful of his operation.

Without any work being conducted on the delivered vehicle or business transaction taking place the Council will need to determine whether the delivery of a vehicle is considered part of the junkyard operation that must be limited to the license condition.

Memo  
February 24, 2010  
Page 2

**Recommendation:** With the exception of the above items for the Council's consideration the operation of this junkyard over the past year has not become a public nuisance under the common law, or in such a manner to prohibit renewal. However, I would recommend that the Council defer action on this license renewal until after re-inspection of the yard to follow-up on the above conditions and to allow the applicant time to address BMP deficiencies prior to the July 1<sup>st</sup> deadline.

# RESOLUTION 2010-16

An order relative to

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**Authorization to Sign Memorandum of Understanding for  
*Technology Services***

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Reading: 06/07/10

Adopted: 06/07/10

**WHEREAS** the Town has retained an outside firm to provide Information Technology services since 2004; and,

**WHEREAS** the Town Council has determined that the best interest of the Town would be served by periodically seeking proposals for these services; and,

**WHEREAS** the Town has received and reviewed proposals from seven vendors seeking to provide these services to the Town; and,

**WHEREAS** Town operations are best served by retaining a multi-disciplined technology consultant who can provide a myriad of different services as the Town continues its technological upgrades and support; and,

***NOW THEREFORE BE IT RESOLVED*** by the Londonderry Town Council that the Town Manager is hereby authorized to sign a Memorandum of Understanding for the purpose of retaining Spaulding Hill Networks for Fiscal Years 2011-13 to provide technological and voice communication management services to the Town of Londonderry, subject to subsequent years' budgetary approval.

Paul DiMarco, Chairman  
Town Council

( TOWN SEAL )

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Marguerite Seymour - Town Clerk/Tax Collector

***A TRUE COPY ATTEST:***  
***06/07/10***

## ***Town of Londonderry Proposals - IT Services***

**Proposal Opening - May 24, 2010 @ 2:00 PM  
Criteria # 5 - Fee**

<b>Proposer</b>	<b>Year #1</b>	<b>Year #2</b>	<b>Year #3</b>	<b>Total Engagement</b>
Spaulding Hill Networks	\$ 112,500.00	\$ 115,875.00	\$ 119,350.00	\$ 347,725.00
CIS Technical Services	\$ 133,000.00	\$ 135,000.00	\$ 137,500.00	\$ 405,500.00
EagleVue Technologies	\$ 136,990.00	\$ 141,099.00	\$ 145,330.00	\$ 423,419.00
BRD Associates	\$ 131,500.00	\$ 141,400.00	\$ 152,000.00	\$ 424,900.00
Sequoia (quoted monthly)	\$ 16,190.00	\$ 17,000.00	\$ 17,850.00	
Annualized	\$ 194,280.00	\$ 204,000.00	\$ 214,200.00	\$ 612,480.00
US Tech Solutions	\$ 226,000.00	\$ 237,300.00	\$ 249,165.00	\$ 712,465.00
Verizon Business	\$ 250,640.00	\$ 260,665.60	\$ 271,096.80	\$ 782,402.40

# ORDER 2010-11

An Order Relative to  
**EXPENDITURE OF**  
**MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS**

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Reading: 06/07/2010  
Adopted: 06/07/2010

**WHEREAS** voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

**WHEREAS** expenditures have been made for various projects, specifically:

- 1) Electrical Repairs at Leach Library at a cost of \$525.00;
- 2) HVAC repairs at the Police Facility at a cost of \$743.00;
- 3) Replacement/repair of Facilities Maintenance Equipment at Continental Park at a cost of \$5,763.75

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$7,031.75 for the aforementioned repairs and improvements.

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Paul DiMarco, Chairman  
Town Council

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Marguerite Seymour  
Town Clerk

**A TRUE COPY ATTEST:**  
**06/07/2010**

**TOWN COUNCIL MEETING**  
**May 17, 2010**

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

PRESENT: Town Council: Chairman Paul DiMarco; Vice Chairperson, Sean O’Keefe; Councilors: Mike Brown; Tom Dolan; John Farrell; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.

CALL TO ORDER

Chairman DiMarco opened the meeting at 7: 15 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC HEARING

Resolution #2010-14 – Relative to Renaming Anderson Circle – GIS Manager John Vogl and Town Assessor Karen Marchant were in attendance. Councilor O’Keefe made a motion to adopt, second Councilor Brown. Jim Bilodeau, Firefighter and 911 Coordinator explained the reason for the Street Naming Taskforce as required by NH 9-1-1 for addresses that are non-compliant. He listed the following roads corrected to date: Nelson Rd., Eglund Dr., Almagordo, Yellowstone, Woodbine, Cedar St., Jefferson St., Dan Hill and Oakridge Dr. They are presently working on Anderson Circle, Spring Rd., Webster Lane, and Whispering Pines Trailer Park. He said he estimates that we have 14 more streets to readdress. He stated they had a workshop for the residents of Anderson Lane; the residents brought forward historical information and determined that they would rename Anderson Circle instead of Anderson Lane. 50% of the homeowners said they would like to have it named Horseshoe Lane. A few were opposed to it. Keith Uvo, 4 Anderson Circle said he opposes the name change because he said it is historical. Anderson Lane and Anderson Circle are one mile from a fire station and 2.3 miles from South Station. He said he is a 17 year resident and does not want his mail delivery interrupted for a year. Gene Jastrem, 19 Anderson Circle said he has been a resident for 30 plus years and there has been some confusion but if E-911 recommends the change then he is all for it.. K. Uvo said mutual aid is not going to save homes. Councilor Farrell asked if there was any other type of opposition to the name change. J. Bilodeau responded when they had their meeting there was. John Vogl said there were residents who objected. They have signed notes from 9 out of 18 homeowners approving the name change to Horseshoe Lane. Councilor Brown clarified that 9 people were opposed to any name change, the name was going to change and you had votes on what the new name was. Two people did not want to change it at all. **Council’s vote to approve the Resolution was 5-0-0.**

Chairman DiMarco announced that the Supervisors of the Checklist wanted to advise residents that the last date for voters to change their party affiliation before the September primary is June 1.

### PUBLIC COMMENT

**Proclamation “Building Safety Week”** – Councilor Brown read the Proclamation.

Senior Building Inspector Richard Canuel from the Community Development Office was in attendance to accept the Proclamation.

**Londonderry Police Department Awards** - Chief William Hart said today is “Police Memorial Day” and is the day to honor police officers of the year. He said they also recognize officers who have won special awards for their service to the community. Sgt. Russ Goodnow who is retiring has had 31 years of service; he has managed the fleet of vehicles. In 1994 the Town began a program to lease police vehicles at an annual cost of \$124K, in 2010 the lease program cost \$118K per year. He will continue in a part-time capacity. Co-Officers of the Year are Det. Joe Bellino and Officer Daniel Hurley. It is the second award as Officer of the Year for Det. Bellino and he received a Meritorious Service Commendation Bar for his service in developing a firearms training program. Officer Dan Hurley in his first full year with LPD has done an outstanding job as a police officer and has been recognized by his peers. A Unit Citation was given to the detectives for work they did on two homicides. The Civilian of the Year is TCO Jason Pinault. The Technical Accident Reconstruction group investigated 12 very serious accidents this year and were awarded the Distinguished Unit Citations. The 2009 Detective Squad consisting of Sgt. Michael McCutcheon, Sgt. Patrick Chetham, Sgt. Adam Dyer, Det. Donald LaDuke and Det. Kristen Gore also received the Distinguished Unit Citations. A Medal for Valor was given to Canine Officer John Perry for his action on the Fiddler’s Ridge murder/suicide and a bar for Meritorious Service was given to his K-9 partner “Zip” who passed away a month and a half ago. Sgt. Mike McCutcheon received a Meritorious Service Commendation Bar for organizing the hiring program. Letters of Commendation were issued to Ofc. Sean Doyle, Sgt. Kevin Cavallaro, Ofc. Matthew Morin, Ofc. Jason Teufel, Ofc. Daniel Hurley, Ofc. Christopher Olson, Ofc. Sean Doyle, Ofc. Kevin Laren, Ofc. George Mottram, Det. Patrick Cheetham, Det. Adam Dyer, Sgt. Mike McCutcheon, Det. Donald LaDuke, Det. Kristen Gore, Ofc. Eric Arel, Ofc. Shannon Sargent, Ofc. Jason Archambault, Ofc. Scott Balukonis, K-9 Ofc. John Perry, Ofc. Shannon Coyle. He proceeded to thank corporate citizens to include Charles George Trucking, So. NH Concrete and Eric DiCarolis.

Jerome McCulligan Sr., 75 Hall Rd. was in attendance and spoke about a culvert that drains into his back yard. He submitted pictures taken showing the damage as well as some taken from last Saturday when the culvert was dry. His concerns are about

trees being uprooted in his back yard and flooding in his basement. He wants to know if the town can do something about the flooding and presented a petition signed by 4 neighbors which Chairman DiMarco read into the minutes, (copy attached). Town Manager Caron explained that Public Works (PW) said there is a culvert that goes across Hall Road; there is a prescriptive easement as it has been at that location in excess of 20 yrs. On the other side of Mr. McCulligan's there has been some work to stabilize the bank however the Highway Superintendent has been with the Town for a number of years and has relayed to the PW Director that the drainage shed has not increased in that area. A visual inspection will show that on both sides of the road there is a pronounced swale in the Town ROW and there is no longer a swale heading south away from Hall Rd. A short distance from the road the natural topography of the land slopes towards the back of his yard. When there is not a pronounced drainage swale there the water goes to the lowest point. The drainage swale from where the Town's ROW ends through the back of Mr. McCulligan's son's property needs to be re-established to channel the water away from his back yard. The Town cannot do work on private land and Mr. McCulligan and his neighbors will have to fix it; DPW will offer advice. Councilor O'Keefe asked if there has been work done there recently. Janusz Czyzowski, PW Director said there was no additional roads built in that area. He visited the site in 2001 and in 2006 when he spoke to Mrs. McCulligan about flooding in the back of their yard. The existing topography prior to the development of the son-in-law building a home in back shows that he interrupted the drainage flow. There was erosion on the opposite side of the street on the intake site of the culvert and they placed the rip-rap in the 1980's. He explained there are thousands of culverts with similar situations whereby they allow the water to flow from one side to the other. He restated that PW can't do work on private properties with drainage problems. Councilor Brown said we got feedback from the Town Manager and it appears that Mr. McCulligan does not agree with the Town Manager and PW's assessment and wants Council to do something that is not recommended to Council. We have staff making recommendation; we should rely on staff for a solution. Councilor Dolan asked if the property owner has any rights under the Town Charter under initiative position process to compel the Town to take some action. Town Manager Caron said it would not as an initiative petition cannot compel the Town to expend public funds on private property. Councilor Farrell said the home built behind him was not changed by the town, we can't do anything just advise. Mr. McCulligan asked why not maintain the swale 13 feet from the road. J. Czyzowski said the inlet was corrected four years ago and the water is flowing down towards Mr. McCulligan's property. He explained that over the year debris accumulated in the swale and the swales were not maintained by the property owners. Our pipes are not broken or collapsed; it is not diverting the flow anywhere else. Councilor Farrell asked if there is anything we can do in our ROW to help him out. J. Czyzowski said no, the homeowners have to clean the swale on their own properties. Chairman DiMarco said there are thousands of situations in town like this; if we do it for him it will set a precedent. This is private property and repairs should be done by the property owner not the Town.



Councilor Farrell said the Planning Board met last Wednesday concerning Crowell's Corner i.e. Nutfield Publishing. He received an e-mail from the Chair of the Planning Board, Art Rugg that the Planning Board voted to not extend the site plan. A grace period of 30 days was asked for from the petitioner beginning June 10, 2010 so they can move out. Councilor O'Keefe asked why there was no support for a local business that contributes to the community. He asked why not meet them half-way. Councilor Farrell said the second comment he received from A. Rugg was that they had a non-meeting with the Town Attorney and the advice of Counsel was not to extend the site plan for various reasons including, bonding was not put up, building permits were not drawn, and no work had been done. Counsel did not see that we were setting a precedent or doing anything else along those lines with regards to how we allowed anyone else in town to do this so the answer was not to extend the site plan. The Chair of the Planning Board felt that the Planning Board was put in a poor position and he wanted it brought to the Council that there was no Certificate of Occupancy (CO) and his question to the Council is you put us all in this position, why wasn't it enforced for the past 4 years. Town Manager Caron said Town policy making boards are often put into the role of being the adjudicator of last resort for code issues. He said this site plan issue was brought to Derry District Court, the judge stipulated a deadline by which time Nutfield Publishing would go before the Planning Board to receive a site plan. The Town did not proceed with enforcement due to the fact that they receive site plan approval with a specific time frame in which to meet all conditions, if the Planning Board had extended the site plan we would not have proceeded with enforcement. Now the Planning Board has denied the extension, it is up to code enforcement to proceed with enforcement with common sense to achieve compliance in the appropriate manner. Councilor O'Keefe asked how long they have been without a C.O., Town Manager Caron responded since 2006. Councilor O'Keefe said we as a Town have already set ourselves up for trouble with this because we allowed a business in Town to operate for four years without a C.O. Now we are drawing the line in the sand and not allowing them to continue operating. Town Manager Caron responded that there is a huge distinction being overlooked. Derry District Court approved the time frame by which Nutfield Publishing was required to obtain a site plan. That time frame was lengthened considerably, there was a lot of communication between the property owner and the Town. The result of that process was the approval of a site plan by the Planning Board and as a condition of all site plans the property owner has a year to begin substantial renovations or compliance to the site plan. If you don't you have to come back before the Planning Board for an extension. A policy making body has approved the site plan, we think it is only logical to allow the property owner the opportunity to meet the conditions of that site plan. It is not beneficial to the community to ask the property/business owner to comply with the site plan on one hand and start enforcement action on the other hand. The Planning Board did not extend the site plan approval, therefore when the extension expires on 6/10/10 code enforcement will intervene and enforce the C.O. issue. Councilor Farrell said back in the 2006 timeframe the code enforcement officer took the issue to Derry District Court and there was no C.O., they were being fined daily. He said he was contacted by the owners of Nutfield Publishing and he took it to the Planning Board to see

what they wanted to do. He contacted staff and they worked it out with the court not to charge a fine if they met certain criteria to stop the fines. He said when the extension was granted last year by the Planning Board they were unaware there was no C.O., it all came about in the last six months. He said the Chairman of the Planning Board was not happy with the fact that the Planning Board was put into this situation. The Chairman said it should not have come this far, it should have been an enforcement action a long time ago. Councilor Brown questioned if Council is being asked to make a policy decision tonight. Town Manager Caron said he recommended hearing from Senior Building Inspector Richard Canuel how he would enforce. Richard Canuel, said once the expiration date of 6/10 arrives enforcement starts. There is no set time frame, he is amicable to extending the enforcement period requiring them to either complete the improvements within a certain timeframe or vacate the building. They are in violation of state law with no C.O. Deb Paul, 118 Hardy Road said she is the renter at Crowell's Corner and she is not the owner. She said they were told in a letter from the Town Planner Tim Thompson that they could not move forward until they got a bond for a minimum of \$55K. She said they were turned down by nine institutions. She asked T. Thompson and Community Development Director Andre Garron if she could do the renovations in phases since they have been there for four years with no parking problems and no accidents. That request was declined. D. Paul said there was a lapse in time, the site plan was one day late. They never got in front of a judge, agreements were made with Kevin Coyle and former Code Enforcement Officer Frank Holdsworth. The Council had given direction for a Historical District Overlay if that had gone through they could have gotten variances for a smaller "green" parking lot. They are renters and she explained the repairs she has done. Community Development Director, A. Garron, said they did meet with the Paul's. He clarified that shrinking the size of the parking lot is up against the time line with regard to the site plan. The costs of doing so are so high that the Town requires a surety bond before construction. He explained that if the Paul's want to re-instate that site plan in the future provided there are no changes in code or regulation they are able to do so. Councilor O'Keefe asked A. Garron what are their other options. A. Garron gave an example with the parking lot, if they need to have 20 parking spaces but the applicant can demonstrate that they can utilize less, then the applicant can choose not to build a portion of it and the Board has the ability to approve that. D. Paul said an attorney friend of hers told her to ask the Board if it was feasible to break it up into parts and have the house looked at for code compliance then move on with the rest of the property but the Planning Board said no. She said that Councilor Farrell was very helpful by having them go to the Zoning Board to rent the house as a residence. Councilor Farrell said other Planning Board members were willing to go to the ZBA on the Paul's behalf. He stated that Mr. Paul asked for a 30 day grace period so they could re-locate the business starting 30 days from 6/10. Chairman DiMarco commented personally that he trusted staff would proceed with enforcement actions in the most compassionate and common sense way possible. He would like to leave the time period up to R. Canuel. Councilor O'Keefe said R. Canuel wants Council to give him guidance. Councilor Brown said it should be a minimum of 30 days, personally he would like R. Canuel to be more flexible than that. A minimum of 30 days if not

more but he would like to leave it up to R. Canuel. R. Canuel said the number of days is discretionary, 30 days is certainly doable, he would consider more due to the amount of equipment they have to move. Councilor Dolan said under Section 4.8 of our Charter we should be reluctant to give direction to Richard, direction should be given to the Town Manager to use his discretion in this matter in conjunction with the Town Attorney. If we give direction to a town employee we will be in violation of Section 4.8 which states non-interference with town administration. There is an issue of compassion and we should support small business in town. He stated that the Town Manager should be giving direction to Richard not the Town Council. The consensus was to have the Town Manager give direction. Bob Lievens, 105 Gilcreast Rd. said the issue is dealing with a local business and a historic piece of property which is why so much leeway has been given in this particular instance. Those properties should be addressed in a special way when we have a special use happen to them. In this particular case we do not have a busy office generating a lot of traffic and they do not need a lot of parking spaces for this business as other commercial zoned lots do. The Planning Board needs some flexibility to deal with that. Right now they don't which is why this is coming up. Councilor Farrell said the Planning Board sent an ordinance for the Historic Overlay District to Council and it died. Councilor O'Keefe questioned if we can bring back this Ordinance so they can take a look at it. It was agreed to look at it again.

## **OLD BUSINESS**

**Economic Development Update – LHRA Discussion** - - Community Development Director Andre Garron said at the last meeting they had a discussion about proposing a "Londonderry Economic Council". They discussed the possible role of having the Londonderry Housing and Redevelopment Authority (LHRA) involved. Paul Donahue, Chair and Bob Lievens, Secretary of the LHRA were in attendance. P. Donahue proceeded to describe how they were organized and the rights they had. It was established by a town vote in the late 1960's. At the time the Commissioners secured private loans to take the surplus land at Grenier Field and re-develop, clean it up and put it on the tax rolls. They only buy industrial development around the airport, they do not buy residential. Bob Lievens said the group consists of volunteers whose purpose is to take property not on the tax rolls and putting them back on the rolls. He said the job of marketing the town is a professional job and nothing will happen until the economic climate changes. What A. Garron is doing is what will work. The LHRA doesn't have to make a profit quickly, it would be wrong to ask them to be an economic development committee, it will not work out. Councilor O'Keefe said he agreed there is only so much we can do, he said he does not want to put another layer out there when it is not going to work. Councilor Farrell said he thinks what A. Garron is saying is he wants people he can work with and as the economy turns he will be one step ahead. P. Donahue said as a group of volunteers they are willing to work with A. Garron but they don't feel they are qualified to do something pro-active. The prudent thing to do is to do a fair amount of diligent work so we are well positioned as the economy improves. Moving forward is the smart course of action and he stated they don't want to be the front line but are

willing to help. Bob Lievens requested that the town streamline and make less expensive the process of getting plans through town without relaxing the requirements. Make it easier, faster, less expensive for business to locate here it will make the town more attractive. Councilor Dolan asked if the boundaries in their Charge were relaxed recently. P. Donahue said generally speaking the boundaries are the industrial areas around the airport. B. Lievens said the original district was limited to the actual land that the original Commissioners bought, the Town didn't buy anything. He said a few years ago the Selectman decided to expand the zone to include the industrial area around the airport rather than simply the land that was originally bought. Councilor Dolan said they are limited to a boundary that they can work in. B. Lievens said they could advise on a product they could not spend any money outside the zone. A. Garron said early in 2000, Jack Falvey on behalf of LHRA approached Council with expanding a piece of property to encompass the industrial zone land. Discussion ensued about the property at the Town Garage.

Councilor Brown said when this Resolution was presented on the 19<sup>th</sup> we had a Resolution that we tabled to a meeting on 6/7/10, He said we were to have a primer on RSA 292 and learn more about it which is part of what is being done tonight..

### **NEW BUSINESS**

**Resolution #2010--15 - Relative to the Designation of Londonderry Trailways to Coordinate the Reuse of the Abandoned Rail Line** - Councilor O'Keefe made a **motion to adopt tonight, second Councilor Farrell**. In attendance were Bob Saur, President of Londonderry Trailways and members, Sandra Lagueux, 2 Fiddlers Ridge and John Daily, 10 Terracewood Rd. B. Saur presented a PowerPoint presentation and submitted a letter from the New Hampshire Rail Trails Coalition (copy attached). He proceeded to review how the group was formed and the purpose of their program. He explained the railway is an abandoned railway that passes through the northern part of Londonderry. He reviewed the opportunity this bike and pedestrian trail would provide to Londonderry and the region. S. Lagueux explained they are here tonight to request permission to investigate potential uses of the abandoned railway and report back to Council. The end goal is 29 miles from Salem to Concord and she explained that the members of the "Salem to Concord Bikeway Feasibility Study" recommended this program for alternative transportation. She proceeded to review what is completed as of today. John Reilly showed the map of the rail corridor and the exact route it would take in Londonderry. He said they would like our section to be fully paved like the Windham trail is. B. Saur explained the next step. If this Resolution is passed Londonderry Trailways will collect information and bring the information to Council. They will review the Right of Ways with the land owners; look at various use options; look at issues and obstacles; look at funding sources, meet with abutters and review grade crossings. Councilor O'Keefe asked how much of the trail has had the track already removed. B Sauer responded the total corridor in Londonderry is 6 miles, of which approximately 1 mile of rails remain. Councilor Dolan said Londonderry Trailways has done a lot of excellent work in the community and they can be trusted to research this information. Councilor Brown asked if they are going to ask Council for money. S. Lagueux said they will try to get alternative resources. She explained Windham

was able to do the project exclusively with private and grant money; Derry did provide some money with stipulations of matching it 50/50 and they were successful in getting a grant of \$1.2M. She stated that the citizens get to say “no” at any time. Councilor Brown asked if there was any conflict with the idea of rail service wanting to return. S. Lagueux responded lots of the rails in Londonderry are owned by the State. They have been very cooperative with this plan but there is a stipulation that if rail comes back they would have to get off. J. Reilly said there is a perception that rail service will not be restored until 20 yrs in the future. Councilor Brown asked if they had any information on maintenance on the trails in other towns. S. Lagueux said in Windham they have a grassroots group. Councilor Brown confirmed that motorized vehicles are not allowed. Chairman DiMarco said he has used the trails in Windham and Nashua and it would be great to extend it to Londonderry. **Council’s vote was 5-0-0.**

**Councilor Brown made a motion to enter Non Public Session pursuant to RSA 91-A:3-II (a), at 9:04 PM. Second by Councilor Dolan.**

**Aye Tom Dolan, Aye Mike Brown, Aye Sean O’Keefe, Aye Paul DiMarco, Aye John Farrell. Council voted to adjourn 5-0-0 for a Non-Public Session.**

**Motion to come out of non-public at 9:29 PM by Councilor Brown second Councilor Farrell. Council’s vote was 5-0-0.**

**DPW Staffing Levels – Janusz Czyzowski** - Public Works Director Janusz Czyzowski has two job openings in his Dept. that he requested Council to fill; they are an Environmental Engineer and an Assistant Foreman position. He said there is no option to eliminate or reduce the hours for the Environmental Engineer position. He reviewed the position and cited the new EPA demands required for the position. This position is responsible for Solid Waste and Sewer in town.

Don Blanchette the current Assist. Foreman is retiring. He is proposing promoting a truck driver/laborer from within the DPW to the Assist. Foreman position and hiring a truck driver/laborer. He reviewed the position and described the 11 full time employees’ work load. Councilor Brown asked what the salary is for the retiring employee; he responded her current salary was \$65K. Town Manager Caron said they would be advertising the position with a pay range from \$59.6K - \$73.7K for the environmental engineer. Councilor Brown asked if we can hire someone at a lower cost? J. Czyzowski said it is difficult to find some one experienced in this field which is what he experienced 3 years ago when the position was open. Councilor Brown questioned if it was possible to get a part-time person for this position, J. Czyzowski responded the hours cannot be reduced. The EPA will be looking at towns like ours who have 40 miles of sewer and pumping stations because they cannot operate a sewer system with only one employee. We are fulfilling the requirement right now by having contractors maintaining our pumping stations but the EPA wants town personnel to do it. He explained the salary is a special revenue account paid for by sewer rates.

Asst. Foreman – Councilor Brown asked if he is promoting a truck driver/laborer to the

position. J. Czyzowski responded he would have to go through the process of promoting (hopefully from within); he needs a replacement for the entry level position. J. Czyzowski explained the Assist. Foreman provides all the functions of a truck driver/laborer plus they assist the foreman. Councilor Dolan asked the Town Manager how long the position will be vacant, he responded approximately 60 days. Councilor Farrell said he is comfortable with both hirings. Councilor Brown said he is in support of replacing both positions. Councilor DiMarco asked if the engineer position is advertised at a range, Town Manager Caron said yes, they try to hire mid-range so there will not be any compression issues. Councilor DiMarco said he agrees with the other Councilors for both jobs. **Councilor Farrell made a motion to advertise both positions, second Councilor O’Keefe. Council’s vote was 5-0-0.**

**Order #2010-10 – Relative to Expenditure of Maintenance Trust Funds for Various Projects**

**Councilor O’Keefe made a motion to accept, second Councilor Farrell. Council’s vote was 5-0-0.**

**Council Objective #1, Goal #3 – Review of Expenditures and Revenue Sources –**

Councilor Farrell said he reviewed accounts payables for vendors paid at least \$15K and over in FY10 through April 30,2010 provided by Assistant Town Manager/Finance Director Sue Hickey. The message was overwhelming clear, revenues have decreased. He further stated it made it easier to understand our budget. Town Manager Caron said there are no anomalies on the expenditure side. He said these expenses are very consistent from year to year. He said this is good information and he will put it on the website as an information resource for taxpayers. On the revenue side it gives the taxpayers a better understanding of what the Town’s various sources of revenues are beyond the property tax. All the Councilors agreed it is good information and should be available to the public. Councilor DiMarco said the same, and he also stated that every one of the expenditures over \$15K is needed. Councilor Farrell said reviewing the expenditures was a good education for him. Councilor DiMarco congratulated Sue on a job well done. Discussion ensued about expenditures to Stantec Consulting Services. Councilor Brown said it is great information and if posted some people will start questioning it. He cited Stantec and guessed that the question coming from the public is that if we have a professional planning department why do we need consulting services at that kind of level. He mentioned that we provide services to the community and that comes at a cost. The discussion we should have would be about what services we can forgo in order to have a flat tax bill and are the citizens willing to forgo services. This is a great data tool to use at budget time and it should be posted.

**Ordinance #2010-01 – Relative to an Amendment to the Zoning Ordinance Regarding Implementation of recommendations for the Northwest Small Area Master Plan –**

**Councilor O’Keefe made a motion to move to a public hearing on June 21, 2010, second Councilor Farrell. Council’s vote was 5-0-0.** Town Manager Caron said this item has significant changes to our zoning and he suggested if Councilors have any questions regarding this Ordinance to forward them at their earliest convenience.

## APPROVAL OF MINUTES

Minutes of Council's Public Meetings of 05/03/10. Councilor DiMarco referenced line 82 where a typo listed the last meeting as 04/190, it was corrected to read 4/19/10. Councilor Farrell made a motion to adopt as amended, second Councilor O'Keefe. Council's vote was 5-0-0.

## OTHER BUSINESS

**Liaison Reports** - Councilor Farrell attended the School Board meeting, he said they discussed the fact that the federal government wants to adjust the free lunch fee schedule. Elder Affairs was cancelled and he was not notified.

Chairman DiMarco had no meetings

Councilor O'Keefe said he had no meetings

Councilor Dolan said he met with the Conservation Commission and they spent a considerable amount of time looking at the design review of the new Market Basket store, moving into the former Kmart/Sears building. It will be about twice the size of the existing building with new landscaping. Brookview was discussed, and the Conservation Commission is reluctant to take it on as an independent project, they are looking to the Town Manager to provide guidance and direction, they want to hear more. He asked Councilor O'Keefe when he goes to the next meeting of the Traffic Safety Commission could they review the speed limit on High Range Road. Several years ago the Council lowered the speed limit from 35 MHP to 30 MPH. Some people think it is too slow at 30 because it is a busy thoroughfare. Councilor O'Keefe said he will bring it up at the next Traffic Safety Commission meeting.

**Town Manager Reports** – Town Manager Caron said they should discuss the July/August Meeting Schedule. It was decided to meet on 7/19, 8/2 & 8/23.

The State budget includes a 10% reduction in meals and rooms tax. Retirement has another 5% cost shift from the state to municipalities. The state is giving local governments the ability to add on to the state rooms and meals tax, although it would not impact Londonderry very much. It is the first time the state is giving local communities enabling tax authority, it is of interest and he will bring a recommendation back to the Council at a later date. The Town will lose about \$130K because of the 10% reduction in the rooms & meals distribution from the state starting 7/1/10. He also stated that the Town participates in a pooled insurance program of which there are three in the state. Local governments in NH have been partaking in cooperative purchasing for health coverage, which are very successful. A bill was introduced on to place a cap on the amount of reserves the pools can maintain. Our experience is that use of the rate reserves may fluctuates wildly year to year. This year LGC is about 10% over trend in expenses. If local governments are held to this cap it may result in fluctuating health rates going forward. That provision has been removed from the bill and the only issue now is to have

the pools come under the jurisdiction of the Secretary of State, as opposed to the Department of Insurance, which has the tools to provide competent oversight.

Board/Committee Appointments/Reappointments -

None.

**ADJOURNMENT**

**Councilor Farrell made a motion to adjourn at 10:17 PM, second Councilor Dolan. Council's vote was 5-0-0.**

**Notes and Tapes by: Margo Lapietro Date: 05/17/10**

**Minutes Typed by: Margo Lapietro Date: 05/ 20/10**


**Approved; Town Council Date:**

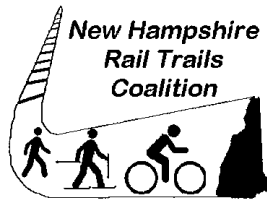


SUBJECT: Town Culvert

This is a petition to help preserve three properties on Hall Rd. that the culvert affects. We need this problem solved. The rain water ponds at 75 Hall Rd. from the culvert and travels through 2 other properties to end up on Hall Rd. down further. Why can't a pipe be put in on the other side of the road which would drain all of the water from the top of Hall Rd. down and into an already existing wet land area where it ends up anyway instead of going through our land to get there.

Signed this day May 16, 2010

<u>Name</u>	<u>Address</u>
Genome P. McColigan Sr.	75 Hall Road
Raymond A. Lemay	Londonderry N.H.
	73 Hall Road
ANDREA CHRISSTOPPES	77 HALL RD LONDONDERRY NH



P.O. Box 98  
New London, NH 03257

603-526-7387  
Charles@NHRailTrails.org

May 12, 2010

Londonderry Town Council

Subject: Londonderry Rail Trail

One of the primary goals of the New Hampshire Rail Trails Coalition is completion of a rail trail on the Manchester & Lawrence Railroad right of way. It will stretch from the Massachusetts border in Salem to the Hands Across the Merrimack Bridge in Manchester. That will connect with east-west trails to Massabesic and Goffstown.

Eventually the trail will go further north to Concord, as outlined in a 2003 New Hampshire DOT report called the "Salem to Concord Bike Path." We have re-christened the concept the "Granite State Rail Trail" in order to emphasize the multiple use (not just bicycles) nature of the trail.

Londonderry contains a critical section of this corridor south of Manchester and north of Derry. There are some difficult issues to resolve, especially how to route the trail past Manchester Airport. Expansion of the airport runways took over a section of the railroad grade.

Londonderry Trailways is the citizens action group working on this concept. Led by John Daley and Sandra Lagueux, they have already made strides in identifying the best route around the airport and coordinating with airport officials.

The New Hampshire Rail Trails Coalition strongly recommends that the Town of Londonderry support this trail development and work with Londonderry Trailways to make it happen. It will result in a delightful "greenway" for Londonderry citizens to take a walk, jog, ride bikes, and have their children get out for a tricycle ride away from traffic. For more physically active citizens, it will provide a long bicycle route for recreational cyclists and commuters through outstanding scenery and away from traffic.

Sincerely,

President