

TOWN COUNCIL AGENDA
September 8, 2014
7:00 P.M.

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM

A. CALL TO ORDER

B. PUBLIC COMMENT

1. Outdoor Recreation Guide Update
Presented by John Vogl

C. PUBLIC HEARING

1. **Ordinance #2014-04** – An Amendment to the Municipal Code Relating to Nepotism and Conflicts of Interest
2. **Ordinance #2006-08 (A)** – An Amendment to the Municipal Code, Title VI, Chapter XIX, Relating to Approval of Sanctioned Recreation Groups.
3. **Resolution #2014-01** – A Resolution Relative to Designating the Local Scenic Byway Committee
4. **Order #2014-12** – The Licensing of a Junkyard Pursuant to RSA 236 Cont. (Murray's Auto Recycling, Inc.)

D. OLD BUSINESS

1. Draft changes to the Town Firworks Ordinance.
Presented by Town Manager Kevin Smith

E. NEW BUSINESS

1. **Order #2014-19** – The Expenditure of Capital Reserve Funds for Highway Trucks and Equipment
Presented by Janusz Czyzowski
2. **Resolution #2014-02** – Discontinuance of Highway (Portion of Reed Street) **(First Reading)**
3. **Resolution #2014-03** – Discontinuance of Highway (Golen Drive) **(First Reading)**
4. **Order #2014-20** – The Expenditure of the Roadway Maintenance Trust Fund for Department of Public Works
Presented by Janusz Czyzowski

F. APPROVAL OF MINUTES

Approval of August 11, 2014 Town Council Minutes

G. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
 1. Musquash Target Shooting Workshop Update
3. Board/Committee Appointments/Reappointment
 1. Appointment of a candidate for the Alternate position on the Planning Board (Cont.)

H. ADJOURNMENT

I. MEETING SCHEDULE

1. Town Council Meeting – **9/22/14** Moose Hill Council Chambers, 7:00PM
2. Town Council Meeting – **10/06/14** Moose Hill Council Chambers, 7:00PM
3. Town Council Meeting – **10/20/14** Moose Hill Council Chambers, 7:00PM
4. Town Council Meeting – **11/03/14** Moose Hill Council Chambers, 7:00PM

LEGAL NOTICE

The Londonderry Town Council will hold PUBLIC HEARINGS on the following items:

- 1.) Ordinance #2014-04– An Amendment to the Municipal Code Relating to Nepotism and Conflicts of Interest
- 2.) Ordinance #2006-08 (A) – An Amendment to the Municipal Code, Title VI, Chapter XIX, Relating to Approval of Sanctioned Recreation Groups
- 3.) Order #2014-12 – The Licensing of a Junkyard Pursuant to RSA 236 Cont. (Murray’s Auto Recycling, Inc.)
- 4.) Resolution #2014-01 – A Resolution Relative to Designating the Local Scenic Byway Committee

The Public Hearings are scheduled for Monday, September 8, 2014 at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053. Copies of the proposed amendments may be viewed at the Town Manager’s office during regular business hours and online at www.londonderrynh.org.

Londonderry Town Council

Intro/First Reading: 08/11/2014
Second Read/Pub Hrg: 09/08/2014
Adopted: 09/08/2014

ORDINANCE 2014-04

AN AMENDMENT TO THE MUNICIPAL CODE RELATING TO NEPOTISM AND CONFLICTS OF INTEREST

- WHEREAS*** The Town of Londonderry and its citizens have a right to expect that public contracts and public employment, compensation and advancement are awarded and determined based solely upon merit and without undue influence by familiar relations; and
- WHEREAS*** The Town of Londonderry currently does not have a policy addressing nepotism in employment; and
- WHEREAS*** The Town of Londonderry does not want to prohibit relatives of existing employees or other Town officials from serving the community, but needs to avoid actual or perceived conflicts of interest; and
- WHEREAS*** The Town of Londonderry currently does not have a written policy prohibiting Town Councilors from participating in contract negotiations in which they or a member of their immediate family have a pecuniary interest; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title VI, Chapter XXVI, Section II, is hereby amended as attached.

Tom Dolan
Town Council Chairman

A TRUE COPY ATTEST:

Town Seal

Sharon Farrell - Town Clerk

Town Nepotism Policy:

a. Public Officials and Boards: No person serving as an elected official, an elected or appointed member of any Town board or commission, or as Town Manager, shall participate in, appoint or vote on the appointment or hiring of any person in his/her immediate family to a position as a Town employee. If a prospective employee is a member of the immediate family of any elected official, elected or appointed member of any Town board or commission, or Town Manager, that elected official, elected or appointed member of any Town board or commission, or Town Manager, shall remove himself/herself completely from the appointment process. Compliance with this provision shall be a condition of holding office pursuant to Article 6 of the Town Charter.

b. Employment of Family Members of Current Employees: Any job applicant seeking employment with the Town or applicant for an appointed position on a Town board or commission shall be required to disclose immediate family relationships with existing employees, elected officials, and appointed board or commission members.

No Town employee shall take part in the hiring process of any member of the employee's immediate family who is seeking employment with the Town. Additionally, no Town employee shall evaluate, supervise, or discipline any member of the employee's immediate family who is currently an employee of the Town. If an employee has an immediate family member in his or her chain of command, the immediate family member shall take no part in the evaluation, supervision or discipline of that employee, with those responsibilities to be performed by the next highest person in the chain of command.

c. Town Councilors and Town Manager: To avoid any actual or perceived conflict of interest in the awarding of business and contracts with the Town, no person serving as a Town Councilor or Town Manager shall take part at any stage in any negotiations, or vote on any contract or agreement between the Town and any individual or entity in which he/she or his/her immediate family has any direct or indirect financial or gainful interest, however small. Compliance with this provision shall be a condition of holding office pursuant to Article 6 of the Town Charter.

d. Immediate Family: "Immediate family" is defined for purposes of this policy to include spouse, civil union partner, children, parents, stepparents, stepchildren, brothers, sisters, half-brothers, half-sisters, immediate in-laws, grandparents, grandchildren, or other person living in the household of the prospective employee, Town employee, elected official, elected or appointed member of any Town board or commission, or Town Manager.

e. Effective Date: The provisions of this policy shall become effective on passage by the Town Council and shall apply to all those elected, appointed or employed in any capacity by the Town after date of passage. The Town Manager shall take appropriate measures to limit the

circumstances under which employees are supervised by members of their immediate family. To the extent such conflicts cannot be avoided, the Town Manager shall review and approve any performance evaluations, disciplinary actions, or changes in job status in order to assure that the public's interests are served.

Introduced/1st Reading: 08/11/14
Second Read/Public Hrg.: 09/08/14
Adopted: 09/08/14

ORDINANCE 2006-08 (A)
AN AMENDMENT TO THE MUNICIPAL CODE, TITLE VI, CHAPTER
XIX, RELATING TO APPROVAL OF SANCTIONED RECREATION
GROUPS

WHEREAS the Town of Londonderry owns and manages many recreation facilities; and,

WHEREAS the Londonderry Recreation Commission does not directly manage many recreation programs and consequently receives numerous requests from youth and adult groups to utilize Town recreation facilities; and,

WHEREAS a policy is necessary to ensure that facilities are utilized in a safe and efficient manner;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title VI – Town Policy, Chapter XIX, Approval of Sanctioned Recreation Groups, is hereby adopted as attached, effective six months from the adoption date.

Tom Dolan - Chairman
Town Council

Sherry Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
09/08/2014

Chapter XIX - APPROVAL OF SANCTIONED RECREATION GROUPS

SECTION I PURPOSE

- A. The Town of Londonderry owns and manages many recreational facilities, however, the Town does not operate many recreation programs. Youth and Adult programs are organized and managed by various non-profit groups. To ensure that town facilities are utilized in a safe manner for the benefit of town residents, the Town Council has adopted the following guidelines when recognizing Sanctioned groups.

SECTION II AUTHORITY

- A. This policy is authorized under Article 3, Section 3.12 of the Town of Londonderry Charter.

SECTION III APPLICATION

- A. All groups looking to be sanctioned must apply with the Recreation Commission. All applications and recommendations of the Committee will be forwarded to the Town Council for consideration.
- B. Recognition by the Recreation Commission does not guarantee exclusivity to times or locations of any facility.
- C. Upon approval of an Sanctioned Group by the Town Council, that Group is eligible to utilize town recreation facilities pursuant to the use and scheduling policies and practices as promulgated by the Recreation Commission.

SECTION IV ELIGIBILITY CRITERIA

- A. In order to be considered eligible for approval as an Sanctioned Recreation Group, the following guidelines shall be met:
 - 1. A minimum 80% of the participants are residents of Londonderry and the program is available to all age-appropriate Londonderry residents. The participation ratio applies to all teams in an organization.
 - 2. A majority of the coaches/supervisors are residents of Londonderry.
 - 3. The governing body consists of Londonderry residents
 - 4. In recognition of the limited availability of facilities and the desire to avoid

scheduling conflicts, all groups must demonstrate that the program offering is new or unique to the Town, and if not, justification for starting a similar program.

5. All groups must demonstrate that the program is not temporary, but is designed to continue to provide recreational opportunities for an indefinite period.
 6. All groups must demonstrate that the program has been well planned and will be properly supervised, as set forth in the group's Articles of Agreement (if a fund-raising group), By-Laws and Code of Conduct. The charters of each organization should clearly reflect the goals of the group and should mirror the charter granted by the town council. Each organization must adhere to the guidelines of the resolutions approved by the town council.
 7. All groups must demonstrate that they have the proper framework for leadership, and that the coaches/supervisors will provide this leadership.
 8. All groups must demonstrate that the group is non-profit and does not have any outstanding obligations to the Town and has the ability to financially support the group's activities.
 9. All Sanctioned groups must comply with all the rules set forth by the Recreation Commission regarding the usage of facilities. No changes can be made to the use of fields without the prior approval of the Recreation Commission.
 10. The facilities exist to accommodate the new activity.
 11. Once sanctioned, all groups must comply with all of the rules set forth within this eligibility criteria section.
 12. Sanctioned groups may not enter into any contracts with, or give permission to, any other unsanctioned group for use any of the fields. All field use will be arranged through the recreation commission to sanctioned groups only.
- B. Fund-Raising Groups – In addition to meeting the Eligibility Requirements as set forth in Section IV. A, Recreational Groups which seek donations and/or financial assistance to support their activities shall be required to meet the following requirements:
1. Any fund-raising recreational group has been registered as a Volunteer Corporation with the New Hampshire Secretary of State, in accordance with RSA 292, and remains in good standing.
 2. Once sanctioned by the Town Council, all Fund-Raising Groups must maintain the following documents with the Commission (documents must be current to demonstrate a group's good standing with the appropriate agencies):
 - Articles of Agreement

- By-Laws
 - Code of Conduct
 - IRS Filings (if applicable)
 - State of New Hampshire Filings with Secretary of State and/or Attorney General's Office, Charitable Trust Division
 - Current board of directors with contact information (title, name, address, phone number and e-mail)
 - Proof of Insurance
 - Membership/enrollment total broken down by town
- C. Other Independent Groups - Once sanctioned by the Town Council, all non-fund raising, independent groups must maintain the following documents with the Commission (documents must be current to demonstrate a group's good standing with the appropriate agencies):
- By-Laws
 - Code of Conduct
 - IRS Filings (if applicable)
 - State of New Hampshire Filings with Secretary of State and/or Attorney General's Office, Charitable Trust Division (if applicable)
 - Current board of directors with contact information (title, name, address, phone number and e-mail)
 - Proof of Insurance
 - Membership/enrollment total broken down by town
- D. Exemptions to the Sanctioning Process – It is hereby recognized that the Recreation Commission may organize, sponsor and/or coordinate a number of recreational activities, with said activities not falling within the definition of Section IV. B or C. These activities shall be exempt from the Sanctioning process. Examples, for illustrative purposes only, may include:
- Youth Camps
 - Skills Training
 - Coaches' Training
 - Open pick up type adult activities (e.g.. free play basketball, coed volleyball, line dancing, ballroom dancing)
- E. Effective Date 02/21/07.

~~End of Chapter~~

RESOLUTION 2014-01

A Resolution Relative to Designating the Local Byway Advisory Committee

First Reading: 08/11/14
Second Reading/Public Hearing: 09/08/14
Adopted: 09/08/14

WHEREAS The Town of Londonderry seeks to update the State designation of the Apple Way as a Scenic Byway; and

WHEREAS Designation requires formation of a local Byway Advisory Committee; and

WHEREAS the Heritage/Historic District Commission has volunteered to serve this purpose.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Londonderry Heritage/Historic District Commission serve as the Local Byway Advisory Committee to meet the needs of the NH Scenic and Cultural Byways program.

Tom Dolan, Chairman
Town Council

(TOWN SEAL)

Sherry Farrell
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
09/08/2014

ORDER #2014-12

An Order Relative to

THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 06/16/2014

Second Reading/Public Hearing: 06/16/014

First Reading: 08/11/2014

Second Public Hearing: 09/08/2014

Adopted: 09/08/2014

WHEREAS

Edward Dudek, Jr., who resides at 36 Strafford Lane, Londonderry, NH and is the owner of Murrays 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; 111-129 and

IT IS THEREFORE ORDERED by the Londonderry Town Council that Edward Dudek, Jr., doing business as Murrays Auto Recycling, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
09/08/2014







TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

MEMORANDUM

To: Kevin Smith, Town Manager & Town Council
From: Richard G. Canuel, Senior Building Inspector
Date: August 6, 2014
Subject: Murray's Auto Recycling, 55 Hall Rd.

At the June 16, 2014 license renewal hearing the Council agreed to grant an extension period till August 11, 2014 at the request of Mr. Dudek's attorney, with the understanding that he fully complies with all conditions of the license during that time.

Subsequent to the hearing, my letter to Mr. Dudek, dated June 24, 2014, reminded him of the Council's concerns regarding the license condition limiting the hours of operation, the restrictions of the Court Stipulation regarding the parking of equipment in the front lot, and of his obligation to comply with the provisions of the 2000 Stipulation for Decree. That letter is attached for reference.

Since that initial hearing, my office continues to receive reports from neighbors regarding deliveries to the junkyard outside of the established 8am-5pm hours of operation. As of this date, there have been twenty (20) reported late deliveries, of which I have notified Mr. Dudek (notices attached for reference).

Aside from the licensing conditions, a concern was raised regarding a possible wetlands violation and an apparent lack of best management practices (BMP) in the operation of the yard. This was an issue noted by an inspector for the Oil Remediation Project who observed the encroachment of junk debris along the edge of the adjacent wetlands, and questioned whether best management practices were being properly followed. In my follow-up communication with the DES Green Yards Coordinator I was informed that a joint site visit to the junkyard was planned with the DES Wetlands Bureau. As of this date, that inspection has not occurred.

The debris encroachment in question has since been addressed by Mr. Dudek, as evidenced in the attached photos. Once the DES site inspection is conducted we will have a more comprehensive report of any wetlands violations or BMP deficiencies.



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

June 24, 2014

Mr. Edward Dudek, Jr.
Murray's Auto Recycling
55 Hall Road
Londonderry, NH 03053

Re: Operational Complaints, Murray's Auto Recycling, Map 15 Lot 13

Dear Mr. Dudek:

The purpose of this letter is to inform you that this office continues to receive complaints involving the operation of your junkyard. These are operational activities that are considered a violation of the conditions of your current junkyard license.

Of concern is the continuing practice of parking equipment in the front parking lot, an infraction of which you have been previously notified. In my letter, dated May 15, 2014, you were reminded of the 2000 Stipulation for Decree (99-E-0663 Town of Londonderry vs. Edward Dudek, Jr., et al), wherein the use of the front lot was limited to the specific activities as follows:

3. *The Front Lot shall be used only for: (a) the parking of motor vehicles of the Defendants and their employees who work on the Premises, (b) parking of the personal motor vehicles of customers driven to the Premises by customers and parked in the parking lot only so long as the customers are on the Premises, (c) access and egress of tow trucks and other vehicles delivering junk to or removing junk from the Premises inside the fence, which vehicles shall idle in the Parking Lot only so long as necessary to drive the vehicles inside the fence and, in the case of removal, to check the chains securing the load.*
4. *The Defendants shall not use or permit the use of the Front Lot for any purpose except as set forth in Paragraph 3, including but not limited to the following prohibited uses: (a) Off-loading of junk vehicles from flatbed trucks, tow trucks or any other vehicle, (b) parking of junk vehicles or deposit or storage of other junk, (c) use of the front-end loader of other equipment to unload junk vehicles from tow trucks or other vehicles, (d) use of front-end loader or other equipment to bring crushed vehicle bodies or other junk from within the fence to load trucks for removal from the Premises, (e) parking of front-end loader or other equipment, (f) dismantling or other work on junk vehicles.*

Often, tow trucks and flatbed trucks are parked in the front parking lot. According to the town's legal counsel, the highlighted provisions of the stipulation that appear above prohibit those trucks from being parked in the front lot. During my year-end inspection of the junkyard, on June 6, 2014, I did observe firsthand that two flatbed trucks were in fact parked in the front lot. More recently, this practice was also observed by a member of our Town Council.

Mr. Edward Dudek, Jr.
June 24, 2014
Page 2

Another concern regarding the operation of your junkyard pertains to the hours of operation. As you well know, specific hours were established as one of the conditions of your junkyard license. As stated in Condition #5; ***"The applicant's hours of operation shall be limited to Monday-Friday, 8AM-5PM; Saturday 8AM-5Pm; the applicant is allowed to transact business and perform junkyard operations only during this time."***

This office continues to receive complaints regarding delivery of junk vehicles, the arrival and departure of tow trucks, and other business activities taking place outside of the licensing hours of operation. Again, the arrival of a tow truck and delivery of junk vehicles after the conditional 5 PM closing time was recently observed by a Town Councilor in response to a neighbor's complaint.

As interpreted by the town's legal counsel, the delivery of junk vehicles, and the arrival/departure of tow trucks constitutes "transact[ing] business and perform[ing] junkyard operations, and should therefore only take place during the established hours of operation. The working hours of the junkyard are those hours of operation limited by the conditions of the license, whereas, junkyard operations and activities associated with the operation of the business may only occur between the hours of 8AM and 5PM.

You have been advised by me and by the Town Council during public hearings that the conditions of your license expressly include that you "continue compliance with the terms and conditions established as a result of the 2000 Stipulation for Decree." Similarly, you have been advised that "[a]ny failure to comply with any condition [of your license] shall be grounds for the Town Council to consider revocation of the license."

I am obligated to bring these issues to the attention of the Town Council for their consideration. Considering you have been warned of these same violations in previous notices from this office, including an enforcement action, my report to the Council is not likely to be favorable to your license renewal. Furthermore, the continuance of your license renewal hearing by the Council was granted with the understanding that you would conduct your junkyard operation in conformance with all conditions of your current license. The ongoing infractions, as noted herein, are a blatant disregard for the Council's directive.

Sincerely,



Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer

Cc: Kevin H. Smith, Town Manager
Michael D. Ramsdell, Town Attorney



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

June 27, 2014

Mr. Edward Dudek, Jr.
Murray's Auto Recycling
55 Hall Road
Londonderry, NH 03053

Re: Operational Complaints, Murray's Auto Recycling, Map 15 Lot 13

Dear Mr. Dudek:

This is to inform you that this office continues to receive complaints of deliveries to the junkyard after hours.

It has been reported that the delivery of junk vehicles occurred on the following dates and times:

June 24, 2014 – 5:50 pm
June 25, 2014 – 5:45 pm
June 26, 2014 – 6:15 pm & 6:50 pm

Once again you are reminded that specific hours were established as one of the conditions of your junkyard license. As stated in Condition #5; ***"The applicant's hours of operation shall be limited to Monday-Friday, 8AM-5PM; Saturday 8AM-5PM; the applicant is allowed to transact business and perform junkyard operations only during this time."***

As you were informed in my previous notice, dated June 24, 2014, the town's legal counsel has interpreted the delivery of junk vehicles, and the arrival/departure of tow trucks constitutes "transact[ing] business and perform[ing] junkyard operations, and should therefore only take place during the established hours of operation. The working hours of the junkyard are those hours of operation limited by the conditions of the license, whereas, junkyard operations and activities associated with the operation of the business may only occur between the hours of 8AM and 5PM.

Be advised, that late deliveries are a violation of the conditions of your junkyard license, and as this activity continues, each day constitutes a separate offense. This matter will be brought to the Council's attention for consideration in the renewal of your license.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer

Cc: Kevin H. Smith, Town Manager
Michael D. Ramsdell, Town Attorney



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

July 1, 2014

Mr. Edward Dudek, Jr.
Murray's Auto Recycling
55 Hall Road
Londonderry, NH 03053

Re: Operational Complaints, Murray's Auto Recycling, Map 15 Lot 13

Dear Mr. Dudek:

This is to inform you that this office has once again received a complaint regarding the delivery to the junkyard after hours.

It has been reported that the delivery of a junk vehicle occurred on June 30, 2014 at approximately 7:30 PM.

Once again you are reminded that specific hours were established as one of the conditions of your junkyard license. As stated in Condition #5; ***"The applicant's hours of operation shall be limited to Monday-Friday, 8AM-5PM; Saturday 8AM-5PM; the applicant is allowed to transact business and perform junkyard operations only during this time."***

As you were informed in my previous notice, dated June 24, 2014, the town's legal counsel has interpreted the delivery of junk vehicles, and the arrival/departure of tow trucks constitutes "transact[ing] business and perform[ing] junkyard operations, and should therefore only take place during the established hours of operation. The working hours of the junkyard are those hours of operation limited by the conditions of the license, whereas, junkyard operations and activities associated with the operation of the business may only occur between the hours of 8AM and 5PM.

Be advised, that late deliveries are a violation of the conditions of your junkyard license, and as this activity continues, each day constitutes a separate offense. This matter will be brought to the Council's attention for consideration in the renewal of your license.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer

Cc: Kevin H. Smith, Town Manager
Michael D. Ramsdell, Town Attorney



TOWN OF LONDONDERRY

Building, Health & Zoning Enforcement

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

July 15, 2014

Mr. Edward Dudek, Jr.
Murray's Auto Recycling
55 Hall Road
Londonderry, NH 03053

Re: Operational Complaints, Murray's Auto Recycling, Map 15 Lot 13

Dear Mr. Dudek:

This is to inform you that this office has once again received a complaint regarding the delivery to the junkyard after hours.

It has been reported that the delivery of junk vehicles occurred on the following dates and times:

July 3, 2014 – 5:48 pm
July 14, 2014 – 5:42 pm

Once again you are reminded that specific hours were established as one of the conditions of your junkyard license. As stated in Condition #5; ***"The applicant's hours of operation shall be limited to Monday-Friday, 8AM-5PM; Saturday 8AM-5Pm; the applicant is allowed to transact business and perform junkyard operations only during this time."***

As you were informed in my previous notice, dated June 24, 2014, the town's legal counsel has interpreted the delivery of junk vehicles, and the arrival/departure of tow trucks constitutes "transact[ing] business and perform[ing] junkyard operations, and should therefore only take place during the established hours of operation. The working hours of the junkyard are those hours of operation limited by the conditions of the license, whereas, junkyard operations and activities associated with the operation of the business may only occur between the hours of 8AM and 5PM

Be advised, that late deliveries are a violation of the conditions of your junkyard license, and as this activity continues, each day constitutes a separate offense. This matter will be brought to the Council's attention for consideration in the renewal of your license.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer

Cc: Kevin H. Smith, Town Manager
Michael D. Ramsdell, Town Attorney



TOWN OF LONDONDERRY

Building, Health & Zoning Enforcement

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

July 18, 2014

Mr. Edward Dudek, Jr.
Murray's Auto Recycling
55 Hall Road
Londonderry, NH 03053

Re: Operational Complaints, Murray's Auto Recycling, Map 15 Lot 13

Dear Mr. Dudek:

This is to inform you that this office has once again received a complaint regarding the delivery to the junkyard after hours.

It has been reported that the delivery of junk vehicles occurred on the following dates and times:

July 15, 2014 – 7:16 pm
July 17, 2014 – 8:10 pm & 8:35 pm

Once again you are reminded that specific hours were established as one of the conditions of your junkyard license. As stated in Condition #5; ***"The applicant's hours of operation shall be limited to Monday-Friday, 8AM-5PM; Saturday 8AM-5PM; the applicant is allowed to transact business and perform junkyard operations only during this time."***

As you were informed in my previous notice, dated June 24, 2014, the town's legal counsel has interpreted the delivery of junk vehicles, and the arrival/departure of tow trucks constitutes "transact[ing] business and perform[ing] junkyard operations, and should therefore only take place during the established hours of operation. The working hours of the junkyard are those hours of operation limited by the conditions of the license, whereas, junkyard operations and activities associated with the operation of the business may only occur between the hours of 8AM and 5PM

Be advised, that late deliveries are a violation of the conditions of your junkyard license, and as this activity continues, each day constitutes a separate offense. This matter will be brought to the Council's attention for consideration in the renewal of your license.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer

Cc: Kevin H. Smith, Town Manager
Michael D. Ramsdell, Town Attorney



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

July 24, 2014

Mr. Edward Dudek, Jr.
Murray's Auto Recycling
55 Hall Road
Londonderry, NH 03053

Re: Operational Complaints, Murray's Auto Recycling, Map 15 Lot 13

Dear Mr. Dudek:

This is to inform you that this office has once again received a complaint regarding the delivery to the junkyard after hours.

It has been reported that the delivery of junk vehicles occurred on the following dates and times:

July 18, 2014 – 7:49 pm
July 21, 2014 – 6:20 pm & 8:46 pm
July 22, 2014 – 5:40 pm

Once again you are reminded that specific hours were established as one of the conditions of your junkyard license. As stated in Condition #5; ***"The applicant's hours of operation shall be limited to Monday-Friday, 8AM-5PM; Saturday 8AM-5PM; the applicant is allowed to transact business and perform junkyard operations only during this time."***

As you were informed in my previous notice, dated June 24, 2014, the town's legal counsel has interpreted the delivery of junk vehicles, and the arrival/departure of tow trucks constitutes "transact[ing] business and perform[ing] junkyard operations, and should therefore only take place during the established hours of operation. The working hours of the junkyard are those hours of operation limited by the conditions of the license, whereas, junkyard operations and activities associated with the operation of the business may only occur between the hours of 8AM and 5PM

Be advised, that late deliveries are a violation of the conditions of your junkyard license, and as this activity continues, each day constitutes a separate offense. This matter will be brought to the Council's attention for consideration in the renewal of your license.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer

Cc: Kevin H. Smith, Town Manager
Michael D. Ramsdell, Town Attorney



TOWN OF LONDONDERRY

Building, Health & Zoning Enforcement

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

July 30, 2014

Mr. Edward Dudek, Jr.
Murray's Auto Recycling
55 Hall Road
Londonderry, NH 03053

Re: Operational Complaints, Murray's Auto Recycling, Map 15 Lot 13

Dear Mr. Dudek:

This is to inform you that this office has once again received a complaint regarding the delivery to the junkyard after hours.

It has been reported that the delivery of junk vehicles occurred on the following dates and times:

July 24, 2014 – 6:36 pm & 7:03 pm

July 29, 2014 – 6:09 pm

Once again you are reminded that specific hours were established as one of the conditions of your junkyard license. As stated in Condition #5; ***"The applicant's hours of operation shall be limited to Monday-Friday, 8AM-5PM; Saturday 8AM-5PM; the applicant is allowed to transact business and perform junkyard operations only during this time."***

As you were informed in my previous notice, dated June 24, 2014, the town's legal counsel has interpreted the delivery of junk vehicles, and the arrival/departure of tow trucks constitutes "transact[ing] business and perform[ing] junkyard operations, and should therefore only take place during the established hours of operation. The working hours of the junkyard are those hours of operation limited by the conditions of the license, whereas, junkyard operations and activities associated with the operation of the business may only occur between the hours of 8AM and 5PM

Be advised, that late deliveries are a violation of the conditions of your junkyard license, and as this activity continues, each day constitutes a separate offense. This matter will be brought to the Council's attention for consideration in the renewal of your license.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer

Cc: Kevin H. Smith, Town Manager
Michael D. Ramsdell, Town Attorney



TOWN OF LONDONDERRY

Building, Health & Zoning Enforcement

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

August 5, 2014

Mr. Edward Dudek, Jr.
Murray's Auto Recycling
55 Hall Road
Londonderry, NH 03053

Re: Operational Complaints, Murray's Auto Recycling, Map 15 Lot 13

Dear Mr. Dudek:

This is to inform you that this office has once again received a complaint regarding the delivery to the junkyard after hours.

It has been reported that the delivery of junk vehicles occurred on the following dates and times:

July 30, 2014 – 5:50 pm
August 4, 2014 – 5:45 pm & 6:00 pm

Once again you are reminded that specific hours were established as one of the conditions of your junkyard license. As stated in Condition #5; ***"The applicant's hours of operation shall be limited to Monday-Friday, 8AM-5PM; Saturday 8AM-5Pm; the applicant is allowed to transact business and perform junkyard operations only during this time."***

As you were informed in my previous notice, dated June 24, 2014, the town's legal counsel has interpreted the delivery of junk vehicles, and the arrival/departure of tow trucks constitutes "transact[ing] business and perform[ing] junkyard operations, and should therefore only take place during the established hours of operation. The working hours of the junkyard are those hours of operation limited by the conditions of the license, whereas, junkyard operations and activities associated with the operation of the business may only occur between the hours of 8AM and 5PM

Be advised, that late deliveries are a violation of the conditions of your junkyard license, and as this activity continues, each day constitutes a separate offense. This matter will be brought to the Council's attention for consideration in the renewal of your license.

Sincerely,

Richard G. Canuel
Senior Building Inspector
Code Enforcement Officer

Cc: Kevin H. Smith, Town Manager
Michael D. Ramsdell, Town Attorney

ORDER# 2014 - 19

An Order Relative to
**THE EXPENDITURE OF CAPITAL RESERVE FUNDS FOR
HIGHWAY TRUCKS AND EQUIPMENT**

WHEREAS voters have created Capital Reserve Funds to systematically plan for the replacement of its Fire and Highway vehicles; and

WHEREAS the Town needs to replace a one ton truck as contemplated in the Highway Department's replacement schedule; and,

WHEREAS it has been determined that sufficient funds have been appropriated by the voters to the Reserve Funds;

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed and authorized to expend, and the Town Manager is authorized to execute all documents necessary to complete the following transactions:

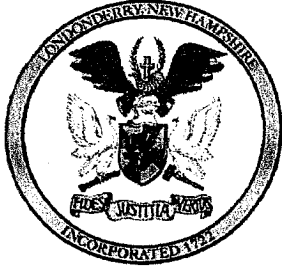
Grappone Ford P.O. Box 1200 Concord, NH 03302	Total for Truck Accessories	\$59,846.00
	Trade Allowance for 2006 Chevy extended cab 1 ton dump	- \$7,500.00
Options (additional) added on:	Electronic sander value in lieu of 2fl value in cab	\$350.00
	Add cab steps to truck	\$370.00
<hr/> Total cost to the Town of Londonderry		\$53,066.00

Tom Dolan - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
09/08/14



Memorandum

To: Kevin Smith, Town Manager
From: Janusz Czyzowski, P.E.
Date: August 21, 2014
Re: Bid Proposal

I have reviewed the bid proposals received on August 12, 2014 for the One Ton Truck. All submitted bids were in accordance with bid requirements. The attached table is the tabulation of the recorded bids.

I recommend that the contract be awarded to the following bidder:

Grappone Ford P.O. Box 1200 Concord, NH 03302	Total for truck with accessories	\$59,846.00
	Trade allowance for 2006 Chevy extended cab 1 ton dump (VIN #1GBJK39246E131677) with no plow or spreader	-\$7,500.00
	Options added on:	
	• Electronic sander valve in lieu of 2fl valve in cab for an additional	\$350.00
	• Add cab steps to truck for an additional	\$370.00
	<hr/>	
	Total cost to the town of Londonderry	\$53,066.00

*Public Works & Engineering Department
Town of Londonderry
268 B Mammoth Road
Londonderry, NH 03053
603-432-1100 ext. 193 Fax: 603-432-1128*

2014 One Ton Truck - August 12, 2014

Name of Bidder	Grappone Ford	Goss Dodge	Colonial Automotive		
Total for truck with accessories	\$59,846	\$63,391	No Bid		
Trade allowance for 2006 Chevy extended cab 1 ton dump (VIN #1GBJK39246E131677) with no plow or spreader	\$7,500	\$1,000	No Bid		
Total cost to the Town of Londonderry	\$52,346 ⁽¹⁾	\$62,291 ⁽²⁾	No Bid		

Above bids were opened on August 12, 2014 pm by Janusz Czyzowski, PE Director of Public Works & Engineering.

⁽¹⁾ Transmission PDO option \$290

⁽²⁾ Math error should be \$62,391

RESOLUTION 2014-02

A Resolution Relative to the

***DISCONTINUANCE OF HIGHWAY
(Portion of Reed Street)***

First Reading: 09/08/14

Second Reading/Public Hearing: 10/06/14

Adopted: xx/xx/14

WHEREAS the Town Council, in accordance with RSA 231:43 has received a petition to completely discontinue and relinquish all public interest in the westerly portion of a Class V highway known as Reed Street for approximately 340 feet from the intersection with Golen Drive, convey by deed without covenants, whatever interest the Town may have in that portion of Reed Street to the abutters, with each abutter being given that portion of Reed Street abutting their property to the center-line of Reed Street; and

WHEREAS the matter of discontinuing a highway under RSA 231:43 is within the authority of the Town Council; and

WHEREAS the discontinuance of the westerly portion of Reed Street would enable the beneficial development of the adjacent parcels,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the discontinuance of the westerly portion of Reed Street as shown on the plan entitled "Reed Street and Golen Drive Discontinuance Plan (Tax Map 7, Lots 132-1, 132-2, 132-8, 132-9, 132-10, 132-11, 132-12, 132-13, 132-14, 132-15, 132-16, 132-17, 132-18, 132-19 & 132-10) Button Drive, Londonderry, New Hampshire, prepared by Bedford Design Consultants, Inc., dated July 22, 2014, with the last revised plan dated _____ to be recorded with the Rockingham County Registry of Deeds as Plan Number _____, that the discontinuance is hereby approved subject to the condition that Team Business Development Corporation shall indemnify and hold harmless the Town of Londonderry from any claims arising from the Town Council's decision to discontinue said portion of Reed Street, with said discontinuance to be conditioned upon the Planning Board's approval of the plan entitled "Lot Consolidation and Lot Line Adjustment Plan for The Grand Estate at Londonderry", prepared by Bedford Design Consultants, Inc., dated July 22, 2014, with the last revised plan dated _____ to be recorded with the Rockingham County Registry of Deeds as Plan Number _____.

Tom Dolan, Chairman
Town Council
(Town Seal)

Sherry Farrell
Town Clerk/Tax Collector

***A TRUE COPY ATTEST:
Adopted xx/xx/14***

PETITION TO FULLY DISCONTINUE PORTION OF REED STREET

Team Business Development Corporation (“Petitioner”) submits this Petition and states there is a public benefit associated with the full discontinuance of the westerly PORTION OF REED STREET located in the Town of Londonderry, Rockingham County, New Hampshire as it is shown on the attached Exhibit A.

RECITALS

1. Reed Street was originally laid out by a plan entitled: “*SUBDIVISION PLAN OF COMMERCIAL LOTS IN LONDONDERRY, N.H. AS DRAWN FOR ALICE GOLEN*” Scale 1”-60’ dated February 1971 and recorded in the Rockingham County Registry of Deeds as Plan #D-2353.
2. Reed Street also appears on a second plan entitled “*BOUNDARY PLAN, TAX MAP 7 TAX LOTS 132-1 TO 132-20 (INCLUSIVE) ROUTE 102 LONDONDERRY, NH*” Scale: 1” = 100’ Sheet 1 of 1 dated June 30, 1988 prepared for John DiPalma. The stated purpose of this plan was to re-establish the outer boundary of the parcels shown on Plan #D-2353 for conveyance purposes. This plan was recorded as Plan #D-18299 in said Registry.
3. Reed Street was laid out by Plan #D-2353 and built and is therefore considered to be a Class V public highway.
4. The Petitioner owns all the lots with frontage along the length of Reed Street this Petition proposes the Town Council discontinue.
5. Owners of lots fronting along the easterly end of Reed Street which will remain a Class V road but end in a cul de sac will continue to access other public ways via Mohawk Drive.
6. The Petitioner has entered purchase agreements to sell the lots it owns to two (2) different entities which plan to construct a privately maintained common driveway as the primary access to those lots from Meadow Drive. Any future use of the remaining east end of Reed Street will be for emergency purposes only.

AUTHORITY

7. RSA 231:45-a authorizes the legislative body to vote to approve the discontinuance of a public highway.
8. Pursuant to RSA 49-B, the Town of Londonderry (“Town”) adopted the Town Council/Town Manager form of government set out in RSA 49-D on March 12, 1996.
9. As required by RSA 49-D:2(II)(a) the Town’s Charter states the Town Council shall serve as the legislative and governing body of the Town. See also, RSA 49-D:3(I).

10. Section 3.12 of the Town's Charter delegates all the powers conferred upon town councils and town meetings to the Londonderry Town Council.

ANALYSIS FOR DISCONTINUANCE

11. Occasion for a public road layout exists if "*the public interest requires the town's acceptance of the roads*". Green Crow Corporation v. Town of New Ipswich, 157 N.H. 344, 350 (2008). The "*public interest*" has been interpreted as a public benefit warranting the expenditure of tax dollars. Opinion of the Justices, 88 N.H. 484 (1937).
12. The public interest is no longer served by maintaining, repairing and plowing the section of Reed Street shown on Exhibit A.
13. No abutting property owner will be deprived of access to a public way by the Town Council discontinuing the westerly end of Reed Street.
14. There is no public benefit associated with the Town of Londonderry maintaining, repairing or plowing the westerly end of Reed Street shown on Exhibit A.
15. The Petitioner hereby requests the Town Council fully discontinue that portion of Reed Street and allow its underlying fee interest to revert to the abutting lots and be returned to the Town's tax rolls.
16. As provided by RSA 231:43(II) copies of this Petition have been forwarded by certified mail, return receipt requested to the following persons whose properties abut the portion of Reed Street shown on Exhibit A.

Tax Map 7, Lot 132C-58A
Megan R. Currie
7A Karen Lane
Londonderry, NH 03053

Tax Map 7, Lot 132C-58B
Robert K. Jamer, Jr.
7B Karen Lane
Londonderry, NH 03053

Tax Map 7, Lot 132-19; Lot 132-14; Lot 132-20
Team Business Develop Corp.
Attn: Charles Kulch, President
491 Amherst Street
Nashua, NH 03063

Tax Map 7, Lot 132C-56A
Lawrence J. and Elaine F. Parker, Trustees
Parker Family Revocable Trust
4A Reed Street
Londonderry, NH 03053

Tax Map 7, Lot 132C-56B
Daniel W. and Joan B. Clark
4 B Reed Street
Londonderry, NH 03053

Tax Map 7, Lot 132C-55A
Denise Maioux
5A Reed Street
Londonderry, NH 03053

Tax Map 7, Lot 132C-57
Theodore J. III and Pamela Nusbaum, Trustees
Nusbaum Family Revocable Trust
12A Jefferson Drive
Londonderry, NH 03053

Tax Map 7, Lot 132C-54A
David, Peter and Christine Masciarelli
7A Reed Street
Londonderry, NH 03053

Tax Map 7, Lot 132C-54B
Stephen and Deborah Quinlan
7B Reed Street
Londonderry, NH 03053

Tax Map 7, Lot 132C-55B
Jeffrey and Kristy Leach
5B Reed Street
Londonderry, NH 03053

Calamar Construction Corporation
c/o Patricia M. Panciocco, Esquire
Baroff Professional Association
10 Commerce Park North, Suite 13B
Bedford, New Hampshire 03110

Respectfully submitted,

TEAM BUSINESS DEVELOPMENT CORPORATION

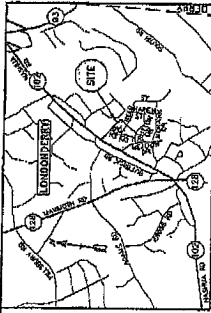
By: _____
Charles Kulch, President

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of
August ____, 2014 by Charles Kulch as President of and on behalf of the Company.

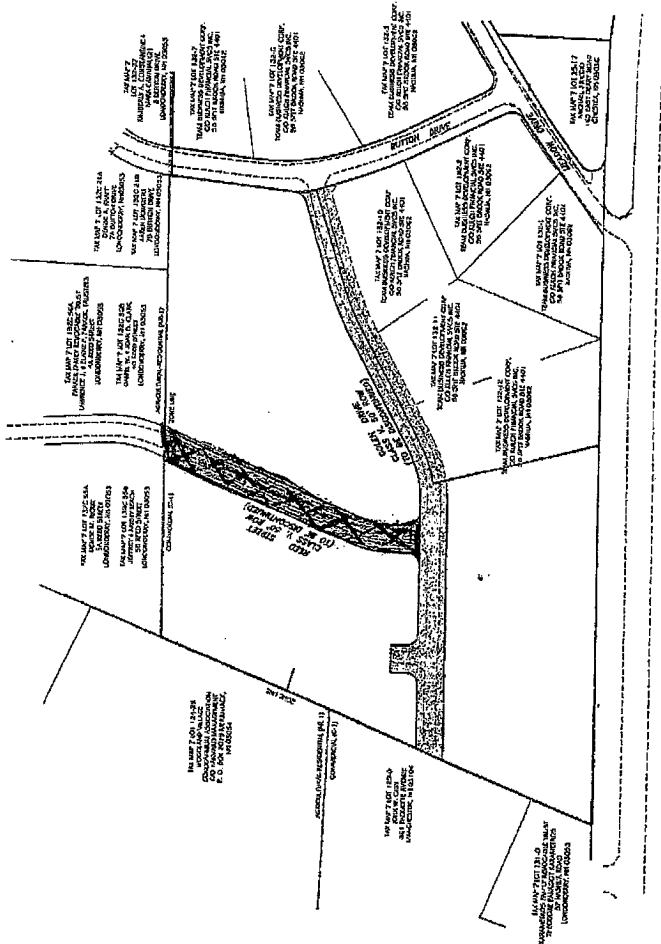
Notary Public/Justice of the Peace
Printed Name:
My Commission Expires:

EXHIBIT A



NOTES

1. THE PURPOSE OF THIS MAP IS TO DISCONTINUE GOLD DRIVE & GARDEN FROM THE PORTION OF THE MAP SHOWN ON THE LOCUS MAP AND TO RELOCATE GOLD DRIVE AND GARDEN TO THE PORTION OF THE MAP SHOWN ON THIS MAP. THE PORTION OF THE MAP SHOWN ON THIS MAP IS THE PORTION OF THE MAP SHOWN ON THE LOCUS MAP WHICH IS NOT SHOWN ON THE LOCUS MAP.
2. THE MAP IS BASED ON THE 1953 AERIAL PHOTOGRAPH OF THE AREA AND THE 1953 SURVEY OF THE PORTION OF THE MAP SHOWN ON THIS MAP. THE PORTION OF THE MAP SHOWN ON THIS MAP IS THE PORTION OF THE MAP SHOWN ON THE LOCUS MAP WHICH IS NOT SHOWN ON THE LOCUS MAP.



N. H. RTE. 102

THE MAP IS BASED ON THE 1953 AERIAL PHOTOGRAPH OF THE AREA AND THE 1953 SURVEY OF THE PORTION OF THE MAP SHOWN ON THIS MAP.

THE MAP IS BASED ON THE 1953 AERIAL PHOTOGRAPH OF THE AREA AND THE 1953 SURVEY OF THE PORTION OF THE MAP SHOWN ON THIS MAP.



TAX MAP 7 LOTS 132-1, 132-2, 132-3, 132-4, 132-5, 132-6, 132-7, 132-8, 132-9, 132-10, 132-11, 132-12, 132-13, 132-14, 132-15, 132-16, 132-17, 132-18, 132-19, 132-20

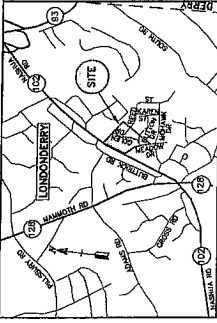
REED STREET & GOLDEN DRIVE
DISCONTINUANCE PLAN
THE GRAND ESTATE AT LONDONDRY
LONDONDRY DRIVE
LONDONDRY, NEW HAMPSHIRE

PREPARED FOR APPLICANT:
2348 FOREST HAVEN DRIVE
INDUSTRIAL PARK
SCALE: 1"=100'
DATE: JULY 27, 1964
SHEET 1 OF 1

Beckford Design Consultants
107 EAST WASHINGTON STREET, PORTSMOUTH, N.H. 03801
TELEPHONE: 863-1111

NO.	DATE	DESCRIPTION

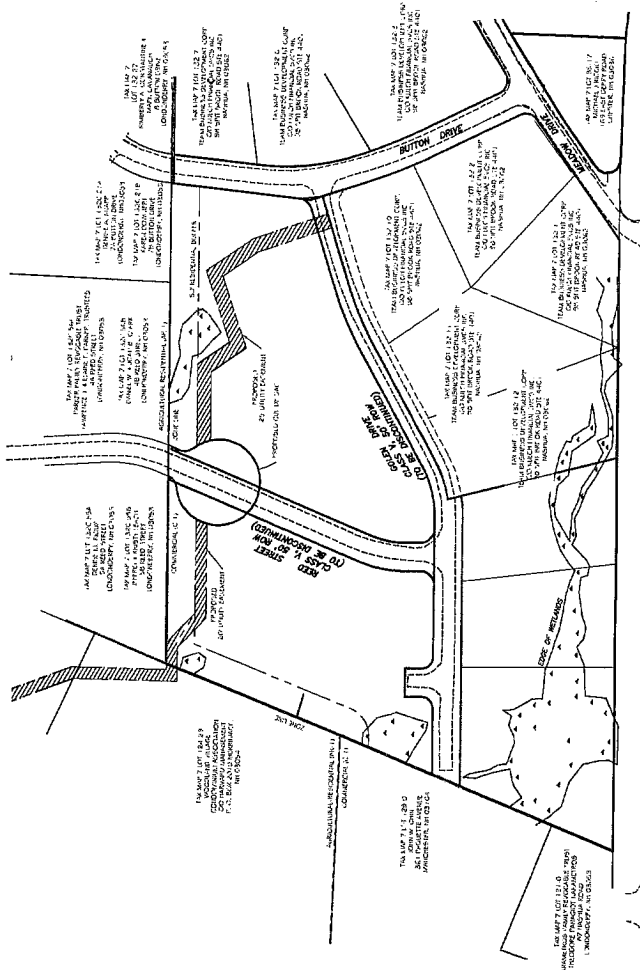




LOCUS MAP
1" = 2500'

NOTES

1. THE APPROXIMATE PLAN OF THE PROPOSED DISCONTINUANCE OF REED STREET AND THE DISCONTINUANCE OF THE WEST SIDE OF BUTTON DRIVE IS SHOWN BY THE DASHED LINE. THE APPROXIMATE PLAN OF THE PROPOSED DISCONTINUANCE OF THE WEST SIDE OF BUTTON DRIVE IS SHOWN BY THE DASHED LINE. THE APPROXIMATE PLAN OF THE PROPOSED DISCONTINUANCE OF THE WEST SIDE OF BUTTON DRIVE IS SHOWN BY THE DASHED LINE.
2. SEE MAP 7 FOR LOTS 132-1, 132-2, 132-3, 132-4, 132-5, 132-6, 132-7, 132-8, 132-9, 132-10, 132-11, 132-12, 132-13, 132-14, 132-15, 132-16, 132-17, 132-18, 132-19, 132-20.



TAX MAP 7, LOTS 132-1, 132-2, 132-3, 132-4, 132-5, 132-6, 132-7, 132-8, 132-9, 132-10, 132-11, 132-12, 132-13, 132-14, 132-15, 132-16, 132-17, 132-18, 132-19, 132-20

**REED STREET & GOLEN DRIVE
DISCONTINUANCE PLAN**
THE GRAND ESTATE AT LONDONDERRY
LOCATED AT:
**BUTTON DRIVE
LONDONDERRY, NEW HAMPSHIRE**

OWNER:
TEAM BUSINESS DEVELOPMENT CORP.
CALLAHAN BUILDERS
3849 FOREST PARKWAY STE 100
WINDSORFIELD, NH 03093

PREPARED FOR APPLICANT:
3849 FOREST PARKWAY STE 100
WINDSORFIELD, NH 03093

SCALE: 1" = 100'
DRAWN: [blank]
CHECKED: [blank]
DATE: JULY 22, 2014
SHEET 1 OF 1

Bedford Design Consultants
1111 LOCUST STREET SUITE 100
NASHUA, NH 03041
Telephone: (603) 882-2200
Fax: (603) 882-2200



REV.	DATE	DESCRIPTION



N. H. RTE. 102

STATE OF NEW HAMPSHIRE
SEBASTIAN J. GILLESPIE, P.E.
1111 LOCUST STREET SUITE 100
NASHUA, NH 03041

STATE OF NEW HAMPSHIRE
SEBASTIAN J. GILLESPIE, P.E.
1111 LOCUST STREET SUITE 100
NASHUA, NH 03041

RESOLUTION 2014-03

A Resolution Relative to the

***DISCONTINUANCE OF HIGHWAY
(Golen Drive)***

First Reading: 09/08/14

Second Reading/Public Hearing: 10/06/14

Adopted: xx/xx/14

WHEREAS the Town Council, in accordance with RSA 231:43 has received a petition to completely discontinue and relinquish all public interest in a Class V highway known as Golen Drive from the intersection with Button Drive to the end, convey by deed without covenants, whatever interest the Town may have in Golen Drive to the abutters, with each abutter being given that portion of Golen Drive abutting their property to the center-line of Golen Drive; and

WHEREAS the matter of discontinuing a highway under RSA 231:43 is within the authority of the Town Council; and

WHEREAS the discontinuance of Golen Drive would enable the beneficial development of the adjacent parcels,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the discontinuance of Golen Drive as shown on the plan entitled "Reed Street and Golen Drive Discontinuance Plan (Tax Map 7, Lots 132-1, 132-2, 132-8, 132-9, 132-10, 132-11, 132-12, 132-13, 132-14, 132-15, 132-16, 132-17, 132-18, 132-19 & 132-10) Button Drive, Londonderry, New Hampshire, prepared by Bedford Design Consultants, Inc., dated July 22, 2014, with the last revised plan dated _____ to be recorded with the Rockingham County Registry of Deeds as Plan Number _____, that the discontinuance is hereby approved subject to the condition that Team Business Development Corporation shall indemnify and hold harmless the Town of Londonderry from any claims arising from the Town Council's decision to discontinue said portion of Reed Street, with said discontinuance to be conditioned upon the Planning Board's approval of the plan entitled "Lot Consolidation and Lot Line Adjustment Plan for The Grand Estate at Londonderry", prepared by Bedford Design Consultants, Inc., dated July 22, 2014, with the last revised plan dated _____ to be recorded with the Rockingham County Registry of Deeds as Plan Number _____.

Tom Dolan, Chairman
Town Council

(Town Seal)

Sherry Farrell
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
Adopted xx/xx/14

PETITION TO FULLY DISCONTINUE PORTION OF GOLEN DRIVE

Team Business Development Corporation (“Petitioner”) submits this Petition and states there is a public benefit associated with the full discontinuance of GOLEN DRIVE located in the Town of Londonderry, Rockingham County, New Hampshire as it is shown on the attached Exhibit A.

RECITALS

1. Golen Drive was originally laid out by a plan entitled: “*SUBDIVISION PLAN OF COMMERCIAL LOTS IN LONDONDERRY, N.H. AS DRAWN FOR ALICE GOLEN*” Scale 1”-60’ dated February 1971 and recorded in the Rockingham County Registry of Deeds as Plan #D-2353.
2. Golen Drive also appears on a second plan entitled “*BOUNDARY PLAN, TAX MAP 7 TAX LOTS 132-1 TO 132-20 (INCLUSIVE) ROUTE 102 LONDONDERRY, NH*” Scale: 1” = 100’ Sheet 1 of 1 dated June 30, 1988 prepared for John DiPalma. The stated purpose of this plan was to re-establish the outer boundary of the parcels shown on Plan #D-2353 for conveyance purposes. This plan was recorded as Plan #D-18299 in said Registry.
3. Golen Drive was laid out by Plan #D-2353 and built and is therefore considered to be a Class V public highway.
4. With the express exception of Tax Map 7, Lot 129, the Petitioner owns all the lots with frontage along Golen Drive this Petition proposes the Town Council discontinue.
5. The Petitioner has entered purchase agreements to sell the lots it owns to two (2) different entities which plan to construct a privately maintained common driveway as the primary access to those lots from Meadow Drive.

AUTHORITY

6. RSA 231:45-a authorizes the legislative body to vote to approve the discontinuance of a public highway.
7. Pursuant to RSA 49-B, the Town of Londonderry (“Town”) adopted the Town Council/Town Manager form of government set out in RSA 49-D on March 12, 1996.
8. As required by RSA 49-D:2(II)(a) the Town’s Charter states the Town Council shall serve as the legislative and governing body of the Town. See also, RSA 49-D:3(I).
9. Section 3.12 of the Town’s Charter delegates all the powers conferred upon town councils and town meetings to the Londonderry Town Council.

ANALYSIS FOR DISCONTINUANCE

10. Occasion for a public road layout exists if “*the public interest requires the town’s acceptance of the roads*”. Green Crow Corporation v. Town of New Ipswich, 157 N.H. 344, 350 (2008). The “*public interest*” has been interpreted as a public benefit warranting the expenditure of tax dollars. Opinion of the Justices, 88 N.H. 484 (1937).
11. The public interest is no longer served by maintaining, repairing and plowing Golen Drive shown on Exhibit A.
12. No abutting property owner will be deprived of access to a public way by the Town Council discontinuing Golen Drive.
13. There is no public benefit associated with the Town of Londonderry maintaining, repairing or plowing Golen Drive.
14. The Petitioner hereby requests the Town Council fully discontinue Golen Drive and allow its underlying fee interest to revert to the abutting lots and be returned to the Town’s tax rolls.
15. As provided by RSA 231:43(II) copies of this Petition have been forwarded by certified mail, return receipt requested to the following persons whose properties abut Golen Drive.

Tax Map 7, Lot 129
Cathay Realty Corporation & Chin, et al
361 Paquette Avenue
Manchester, NH 03104

Tax Map 7, Lot 132-8 through Lot 132-19, inclusive
Team Business Develop Corp.
Attn: Charles Kulch, President
491 Amherst Street
Nashua, NH 03063

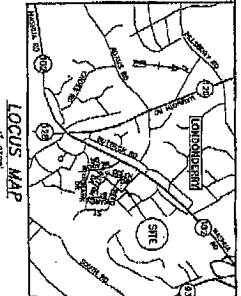
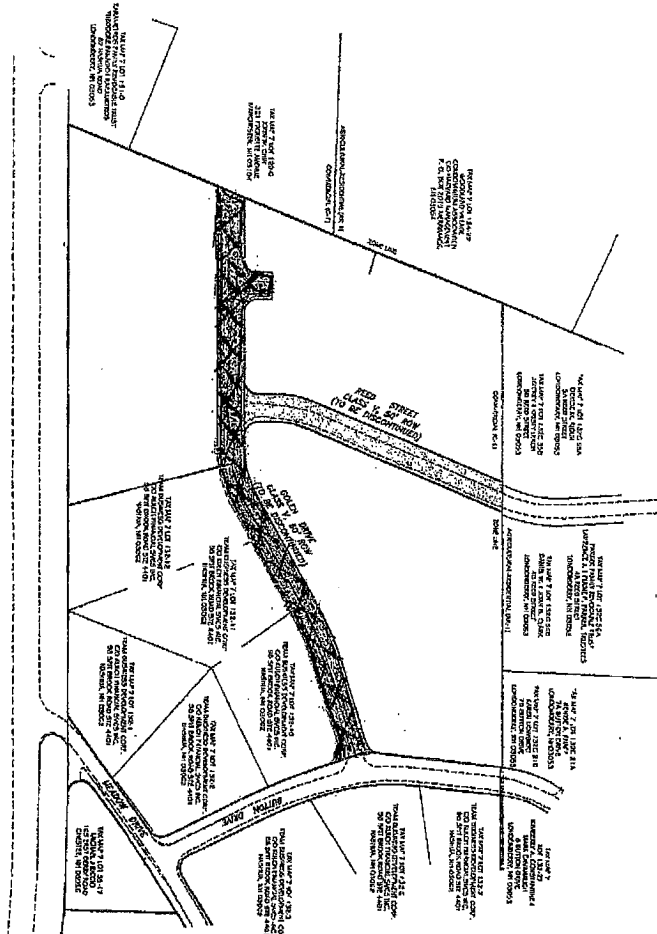
Calamar Construction Corporation
c/o Patricia M. Panciocco, Esquire
Baroff Professional Association
10 Commerce Park North, Suite 13B
Bedford, New Hampshire 03110

Respectfully submitted,

TEAM BUSINESS DEVELOPMENT CORPORATION

By: _____
Charles Kulch, President

EXHIBIT A



NOTES

1. THE INFORMATION ON THIS MAP WAS OBTAINED FROM THE RECORDS OF THE REGISTER OF DEEDS AND THE TAX MAPS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA. THE USER OF THIS MAP IS ADVISED THAT THE INFORMATION ON THIS MAP IS NOT GUARANTEED BY THE REGISTER OF DEEDS AND THE TAX MAPS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA. THE USER OF THIS MAP IS ADVISED THAT THE INFORMATION ON THIS MAP IS NOT GUARANTEED BY THE REGISTER OF DEEDS AND THE TAX MAPS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA.
2. THE USER OF THIS MAP IS ADVISED THAT THE INFORMATION ON THIS MAP IS NOT GUARANTEED BY THE REGISTER OF DEEDS AND THE TAX MAPS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA. THE USER OF THIS MAP IS ADVISED THAT THE INFORMATION ON THIS MAP IS NOT GUARANTEED BY THE REGISTER OF DEEDS AND THE TAX MAPS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA.
3. THE USER OF THIS MAP IS ADVISED THAT THE INFORMATION ON THIS MAP IS NOT GUARANTEED BY THE REGISTER OF DEEDS AND THE TAX MAPS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA. THE USER OF THIS MAP IS ADVISED THAT THE INFORMATION ON THIS MAP IS NOT GUARANTEED BY THE REGISTER OF DEEDS AND THE TAX MAPS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA.

N. H. RTE. 102

THE GRAND ESTATE AT LONDONDERY
DISCONTINUANCE PLAN

REED STREET & GOLDEN DRIVE

BUTTON DRIVE

LONDONDERY, NEW HAMPSHIRE

PREPARED FOR: **REDFORD DESIGN CONSULTANTS**
171 N. Main Street, Concord, NH 03301

DATE: **JULY 22, 2014**

SCALE: **1" = 100'**

TAX MAP 7 LOTS 132-1, 132-2, 132-3, 132-4, 132-5, 132-6, 132-7, 132-8, 132-9, 132-10, 132-11, 132-12, 132-13, 132-14, 132-15, 132-16, 132-17, 132-18, 132-19, 132-20

OWNER: **THE GRAND ESTATE AT LONDONDERY**
171 N. Main Street, Concord, NH 03301

DATE: **JULY 22, 2014**

SCALE: **1" = 100'**

ORDER #2014-20
An Order Relative to
EXPENDITURE OF
ROADWAY MAINTENANCE TRUST FUND

Reading: 09/08/2014

Adopted: 09/08/2014

WHEREAS voters since 2012 have approved funding for the maintenance and repair of public roadways in the town; and

WHEREAS by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend up to \$850,000.00 from the Roadway Maintenance Trust Fund for the aforementioned repairs and improvements of Litchfield Road and other Town roads.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend up to \$850,000.00 from the Roadway Maintenance Trust Fund for the aforementioned repairs and improvements of various Town roads.

Tom Dolan, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:
09/08/2014

(TOWN SEAL)

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **August 11, 2014**

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

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

9
10 **CALL TO ORDER**

11
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**

16
17 Chairman Dolan stated that there was a radio bill agenda. Chairman Dolan gave the floor over to Councilor Farrell for a
18 comment. Councilor Farrell stated that he has a statement that he would like to read that he has not shared with the other
19 Councilors. Councilor Farrell stated that recently on social media, a site known as Facebook, some comments have been
20 posted and shared regarding the Londonderry Fire Department. The comment he would like to call to attention is that we
21 want to educate the community with the facts. Councilor Farrell stated that today's operation at the Fire Department consists
22 of four Battalions, with ten members per shift. The members are on duty approximately two days a week. Councilor Farrell
23 stated that another fact that he would like to share is that the Town made an offer to the Firefighters collective bargaining
24 unit. During recent negotiations between the Town and the Firefighters, the Town extended the following offer. Move from
25 four Battalions to three Battalions. This would increase to thirteen or fourteen people per shift and there would be no change
26 in hours. Councilor Farrell stated that the Town offered a 1.8 percent increase in wages and no changes to any other
27 employee benefits. This was offered on a one year agreement. Councilor Farrell stated that the offer was made in good faith.
28 It was determined with the fire chief that it would meet the needs of the department and they would probably never drop
29 below ten per shift. Councilor Farrell stated that this offer was rejected within five minutes by the Firefighters
30 representatives. Therefore it was not presented to the membership for a vote. Councilor Farrell stated that the overall cost of
31 this offer would increase the fire department a few percentage points. Councilor Farrell stated that under this plan the
32 members could be scheduled up to three days a week, one or two times a month. Councilor Farrell stated that also the Town
33 is currently advised by the labor legal counsel to work the collective bargaining units on one year agreements. The reason is
34 that we as well as many others do not understand the cause and effect of the 'Affordable Healthcare Act', or otherwise known
35 as Obamacare. Councilor Farrell stated that as the new law is learned, the Town will work with the units through the Town's
36 negotiating team which is led by the Town Manager. Councilor Farrell stated that providing safety to the community is his
37 number one priority. Councilor Farrell stated that he personally believes that the Town has done everything possible to offer
38 fair and professional solutions. Councilor Farrell stated in closing that no alternative solutions or offers have been made to
39 the Town by this unit.

40
41 Chairman Dolan invited up Jason Grosky, candidate for County Attorney. Chairman Dolan reminded the crowd that with the
42 New Hampshire Primary right around the corner, the Town Council has allowed several political candidates to share their
43 thoughts with the citizens of Londonderry; The Town Council does not politically endorse or support any candidates
44 regardless of party or office. Grosky introduced himself and thanked the Council for giving him a few minutes to speak.
45 Grosky stated that he is a Persecutor down in Salem. Grosky stated that he lives down in Atkinson with his wife and three
46 kids. He is an active member of his community, the Greater Timberlane, Salem community. Grosky serves on the school
47 budget committee as an Atkinson Elected Representative for the Timberlane School District. His most important role is as a
48 seventh grade football coach for the Timberlane Tornados. Grosky stated that he also serves on the Board of Directors for
49 Timberlane Junior Football. Grosky stated that he is also member of the Greater Salem Rotary Club and the President of the

LONDONDERRY TOWN COUNCIL MEETING MINUTES

50 Greater Salem Bar Association. Grosky has been Prosecutor for the Town of Salem for the past five years. Salem is the
51 busiest law enforcement agency in Rockingham County. Grosky stated that he got his start as a Prosecutor in Lynn,
52 Massachusetts. Salem is on the frontlines of everything that is going on down around the State boarder. Grosky stated that the
53 thing that is a great concern to him and anyone is the amount of heroin that is moving from Massachusetts up through New
54 Hampshire. It is greatly impacting lives and the safety of the people in the community. Grosky stated that it is concerning to
55 him the dark cloud that has been hanging over the Attorneys Office with questions about different management decisions and
56 things that have happened over time. Grosky stated that the thing that concerns him as a Prosecutor is that people should be
57 able to look to their County Prosecutors office as a place that they see at all times as operating on the up and up. Grosky
58 stated that from his perspective, his biggest goal in running for County Attorney is to restore credibility to that office and try
59 to give the office a fresh start. Grosky stated that he wants to make sure the office is focused on the worst of the worst and
60 that we are paying close attention to those people who pose the greatest threat to the public. Grosky stated that that doesn't
61 mean that we ignore the remaining ninety to eighty-five percent of the cases, but you need to be very specific and careful
62 about how you are putting your attention and resources. Grosky stated that he does not like wasting money and he doesn't see
63 a need to prosecute a case for a year. Grosky stated that the County Attorney's office is a place everyone should have
64 confidence in. There were no questions from the Council. Chairman Dolan thanked Grosky for coming in.

65
66 Chairman Dolan invited up Dottie Grover to discuss an update on the dog park. Grover stated that she first came before the
67 Council about the dog park in 2011. Grover stated that it has been a long process. Grover stated that Councilor Farrell was
68 Chairman at the time and had told her that is sounded like a great idea and to go forward with it. The Town Council has said
69 that the study committee was a great idea. That's when it became the Dog Park Study Committee. There have been a number
70 of people over the past few years who have wanted to be members of the committee. Grover stated that GIS Manager John
71 Vogl gave the committee a list of properties in town that can be viable to dog park sites. Grover stated that Cindy Eaton has
72 prepared a brief report. Eaton will discuss with the Council what properties have been looked at and why they were taken off
73 the list.

74
75 Cindy Eaton, 16 Clark Rd, stated that the committee was given a list of six potential sites by the Planning Department. Of the
76 six sites, site one was off Sergeant Rd, that is an abutting field next to the LAFA fields. Site two was 259 Mammoth Rd,
77 which is the Town Forest area. Site three was 268B Mammoth Rd, which is just behind the Town Hall. Site four was 94 West
78 Rd, behind the soccer fields on West Rd. Site five was 90 Sanborn Rd, which is by North School in the north end of Town.
79 Site six was 227 High Range Rd, which is in the Musquash Conservation area. Eaton stated that there were two other
80 possible sites that were looked at, one on South Rd, which is a conservation area and Auburn Rd, which was the old
81 environmental cleanup area. Site five is under consideration, the Sanborn Rd. Eaton stated that all of the other sites were
82 illuminated after much investigation and discussion. Eaton stated that site one was investigated and it was discovered that
83 permission was needed from the FAA, the owners of the land, to use the land. Eaton stated that the FAA denied the
84 application due to possible use by the government in the future. Site two, the Town Forest is under the management of the
85 Heritage Commission and it was discussed with them and a dog park is not considered in the plan for this parcel of land. Site
86 three, which is behind Town Hall, would require considerable clearing and grading. Parking would be an issue because of its
87 proximity to Town Hall, Police Department and Library. Site four was behind the soccer fields on West Rd. Eaton stated this
88 was illuminated due to lack of access to the land during winter months. Site six, the Musquash area, Eaton stated that hunting
89 is allowed on that site, so it would not be an appropriate area for a dog park. Site seven, was South Road, which is too close
90 to abutters and there was concern for enough parking. Eaton stated that site eight, Auburn Rd, traffic and parking were
91 concerns here as well. Eaton stated that the only site that the committee feels comfortable with now is the Sanborn Road site.
92 Eaton asked the Council if they had any questions. Chairman Dolan asked if on the Auburn Rd site, the lack of parking the
93 primary issue there. Eaton stated that it seemed as though there were a lot of people that saw that land being used for other
94 things.

95
96 Grover stated they all agree that Sanborn Rd is the best situation for a dog park. Grover stated that the land is flat and the
97 growth is not too dense. Grover stated that it would be a plus if the senior housing went on that site. Grover stated that they
98 looked at all of the other options that had been presented. Grover stated that some of it was neighborhood issues. Grover stated
99 that recently, Councilor Green and Al Baldassarro both got in touch with the committee to let them know that the Elder Affairs
100 Committee had been talking about this, and they felt that it would be a good place. Grover stated that since that time what has
101 been looked at is the actual locating of that site on Sanborn Rd. Grover stated that there are a couple things up there that do
102 need to be looked into further. Grover stated that they need to have a good idea at exactly what the boundaries are on the
103 wetlands that are there and on the flood plains. Grover stated that they also need to figure out what can be done on these flood

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104 plains. Grover stated that they spoke with the EPA back when it was first considered a few years ago and ViroSense about
105 monitoring the land. Grover stated that they both thought that a dog park was a legit use of the property and it would not be a
106 problem based on the pollution issues that are being dealt with. Grover stated that she knows they will need the Councils
107 permission to move forward. Chairman Dolan stated that at this point what would be appropriate is for the committee to take
108 some details comments or plans to the Town Manager and have the Town Manager meet with John Vogl. Chairman Dolan
109 stated that he suggests they work together a proposal to bring back to the Council. There could be some issues that involve
110 some expenditures, signage and so forth. Chairman Dolan stated to Town Manager Smith that he can propose to the Council
111 whether or not he recommends it as an appropriate site and what cost, if any, will be associated with this in terms of startup
112 and future maintenance. Councilor Green stated that he and John Vogl had met and there are some concerns as to what they
113 will be using as you get close to the flood plains. Councilor Green stated it has to go through the Planning Board as well.
114 Grover state that they are not looking for an ok to build from the Council they are looking for an 'ok we can agree that this is
115 a good place for you to continue to look at'. Councilor Farrell suggested for the committee to ask for a consensus from the
116 Council to direct the Town Manager to have the Planning staff work with the Dog Park Committee. Chairman Dolan asked if
117 it was ok with the Council. The Council stated yes. Grover agreed to working with the Town Manager and seeing where things
118 go from there. Grover asked the Council if they should continue to go forward as a study committee or are they in charge now.
119 Chairman Dolan stated that it is still at the study stage until more information is collected. Grover stated that the committee
120 has always said that they want to do as much of this as they possible can with money that they raise, but right now they are not
121 in the position to go out and start raising money until they have a site. Chairman Dolan stated that that should be discussed
122 with the Town Manager, and we can see if there is a source and how much it's going to be to get started.

123
124 Chairman Dolan invited up Vinny Curro and members of the Londonderry Fire and Police Department to talk about the Child
125 Passenger Safety Program. Vinny Curron, 155 High Range Road, Brad Warner, Londonderry Police Department, Julie
126 Dietrich, Manchester. Curro stated that they have reached a milestone. They started the Child Passenger Safety Program in
127 May of 2001. The quarterly report was just recently completed in June and they have surpassed two thousand car seat
128 inspections. Curro stated that he and Warner took the class not knowing each other and the program was started together.
129 Curro stated that what is unique about their program is that they incorporate the fire department, police department and the
130 community volunteers. Curro stated that it is a great collaborative effort. Curron stated that they have a voicemail box at the
131 Londonderry Police department. Curro thanked the Town Council and members of the community for the continual support.
132 Safety Day is September 27th. Last year they did thirty three seats and donated nine seats. They took six out of service that
133 were expired. Chairman Dolan thanks Curro and the program members for all that they do and all the lives they have saved.

134
135 [CROWD CLAPS]

136
137 Chairman Dolan opened up the floor for any general public comment on any topic.

138
139 Reed Clark, Stonehouse Road, stated that he is here for two reasons. One is a commercial. Clark stated that this week is Old
140 Home Day week. Wednesday for Senior Citizens, Thursday for children, Friday for the big Hart/O'Brien baseball and
141 fireworks and Saturday is the parade and seventy-seven booths on the Common. Clark stated that the other reason he is here is
142 the Old Home Day parade suits for the Council.

143
144 Ann Chiampa, 28 Wedgewood Dr, President of the Londonderry Historical Society, invited the Council and members of the
145 general public down to the Morrison House for Old Home Day. There will be Colonial actors.

146
147 **PUBLIC HEARING**

148
149 Motion to open Public Hearing made by Councilor Farrell and second by Councilor Green.

150
151 Chairman Dolan invited up Mr. Dudek and his Attorney, Attorney Pat Pantciocco. Chairman Dolan stated that it has come to
152 the Councils attention that because of the Federal Lawsuit that is proceeding through the process right now, there will be some
153 information that will become available on the 27th of August as Mr. Dudek presents his response. Chairman Dolan stated that

LONDONDERRY TOWN COUNCIL MEETING MINUTES

154 the Council would like to have the benefit of the information prior to moving forward so what the Council would like to
155 consider is to jointly decide to postpone or continue this hearing to the next Council meeting on the 8th of September. Attorney
156 Pat Pantciocco asked the Council if the information can be shared. Chairman Dolan stated that the information won't become
157 available until the 27th. Attorney Mike Ramsdell stated that the answer is due in the Federal Case on August 27th. Councilor
158 Green motioned to continue the Public Hearing until the 8th of September. Second by Vice Chairman Butler. Chair votes 5-0-0.

159
160 Motion to close Public Hearing made by Councilor Freda and second by Vice Chairman Butler.

OLD BUSINESS

NONE

NEW BUSINESS

162
163
164
165
166 Chairman Dolan introduced Order #2014-17, an expenditure of maintenance trust funds for various projects, such as the
167 interior painting of the Director of the Senior Center's office and the front entry room. Town Manager Smith stated that the
168 total cost is \$1,600. Councilor Green read Order #2014-17. Councilor Green moved to accept Order #2014-17. Second by
169 Councilor Freda. Chair votes 5-5-0.

170
171
172
173 Chairman Dolan introduced Order #2014-18, a distribution of public works department garage improvements. Steve Cotton
174 and Janusz Czyzowski to present. Cotton stated that it went to the voters in March and funding was received of \$180,000,
175 along with some other PO's the Public Works Department had. Cotton stated that they went out for bids to build the much
176 needed employee PW garage at the 120 High Range Rd site. They had thirteen vendors show up, and of the thirteen vendors
177 they received four quotes ranging from \$25,195 to \$447,930. Cotton stated that tonight they are coming to the board asking
178 to go with Commercial Solutions. They came in with \$245,195, to build the forty by fifty building that will properly house the
179 Public Works employees. Councilor Freda read Order #2014-18 and stated that there is an amendment required in the first
180 'whereas', where it states the 'town meeting' it should be changed to the 'deliberative session'. Cotton stated that is correct.
181 Councilor Freda motioned the Order after amendment was made. Second by Councilor Farrell. Chair votes 5-0-0. Councilor
182 Freda continued to read the Order. The Londonderry Town Treasurer is ordered to expend \$180,000 from the Public Works
183 Department Garage Improvements Article 7, approved March 2014 at the Town Meeting and \$75,000 from the Department of
184 Public Works Operating Budget for the total sum of \$225,000. Councilor Freda motion to approve Order #2014-18. Second by
185 Councilor Green. Chair votes 5-0-0.

186
187 Chairman Dolan introduced Resolution #2014-01, a resolution relative to designating the Local Byway Advisory Committee.
188 John Vogl, GIS Manager, stated that late last year the Town received notice from New Hampshire DOT that the 'Apple Way'
189 was endager of losing its designation as a scenic byway. There are two reasons for this. Vogl stated one was there was no
190 byway advisory committee in place and the other is that the 'Apple Way' plan had become expired. The Planning Department
191 will be working with the Southern New Hampshire Planning Commission to update the plan. Vogl stated that he has been in
192 front of the Heritage/ Historic Committee twice. Councilor Farrell motioned to approve the first reading. The Public Hearing
193 will be taking place on September 8th. Chair votes 5-0-0.

194
195 Chairman Dolan jumped ahead to Ordinance #2014-04. A first reading tonight and a Public Hearing will be scheduled.
196 Councilor Freda read in Ordinance #2014-04. Councilor Freda stated that this Ordinance is being read in tonight to add a
197 nepotism and conflict of interest policy to the Town Ordinance to bring the Town in line with the Federal and State
198 Government provisions. Councilor Freda motion to approve the first reading. Second by Councilor Farrell. Public Hearing will
199 take place on September 8th. Chair votes 5-0-0.

200
201 Town Manager Smith gave a Pettengill Road update. Smith referred to the PowerPoint Pettengill Road schematic from TF
202 Murrin. Smith stated that all of the utilities for the area, with exception of sewer, will be paid for by the developer. It was

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203 service the entire roadway. Smith referred to certain areas on the plan. Smith stated that what the Town has agreed to if the
204 Council endorses this this evening is the Town would construct one, the sewer facilities. Smith stated that these will be paid
205 for out of the Town's Sewer Access Fee account. Smith stated that the Pettengill Road project initially was built as a twelve
206 million dollar project. A four lane roadway, two in each direction. Eight million dollars for the roadway and four million
207 dollars for the sewer facilities. Smith stated that this will be a two lane roadway to begin with. It will be designed to be built
208 for four at some point if it is needed. Smith stated this portion is about five million, four hundred and forty seven thousand,
209 four hundred and forty dollars, of which the Town will be contributing in total, one point six million. The Town will also be
210 applying for the CCDBG Grant to help offset the costs to see if it can be lowered for the Town. Smith stated that the other part
211 of the agreement address the traffic lights. There is another set of lights that the developer will be paying for at the westerly
212 end, where Pettengill meets with Industrial Drive. The Town will be using money from the TIF account to reimburse the
213 developer for the lights. Smith stated that the lights are important because they do not know how far in the future they will
214 need the extra roadway to service this area. Smith stated that the Town Attorney is recommending that the Council give its
215 endorsement for the Town Manager to sign off on these agreements. Councilor Freda stated that the Sewer Funds are not
216 raised from taxes, they are user fees. Councilor Freda also stated that the two hundred and fifty thousand for the lights would
217 be out of the TIF funds, which would be the increment over what the current tax rate is that area. Smith stated that that is
218 correct. Councilor Freda stated that it is two hundred and fifty thousand dollars of future money that the Town would not get if
219 the project doesn't go forward. The Town will not receive eight hundred thousand a year if the project doesn't go forward,
220 which is the critical part of this. Smith stated that is correct. Motion to authorize the Town Manager to sign the agreements as
221 long as they represent to substantial change made by Councilor Farrell. Second by Councilor Freda. Chair votes 5-0-0.

222
223 Chairman Dolan skipped ahead to approval of minutes to wait for the Recreation Commission to discuss the Recreation
224 Ordinances.

APPROVAL OF MINUTES

225
226
227
228 Motion to approve the minutes from July 21, 2014 made by Councilor Farrell. Second by Councilor Freda. Chair votes 4-0-0.
229 (Councilor Green stepped out of room)

LIAISON REPORTS

230
231
232
233 NONE

TOWN MANAGER REPORT

234
235
236
237 Town Manager Smith gave an update on fireworks. Smith stated that at the last meeting a resident came in whom, he and a
238 number of his neighbors were dealing with an issue of one of their neighbors frequently lighting off fireworks. Smith stated
239 that a meeting was held with the neighbors and Fire Chief. Smith stated that right now there is a permit in place but only for
240 folks who are going to be lighting off large quantities of fireworks. Smith stated that there are a number of safety regulations
241 that go along with lighting off fireworks. Fireworks cannot be discharged closer than seventy-five feet from any combustible
242 structure. Smith stated that one of the suggestions that was made for the permitting process was requiring anyone who is going
243 to light off fireworks, to get a permit no matter how many they have, and to limit the number of permits that can be given in a
244 certain time frame. Vice Chairman Butler asked if there was a time restriction. Smith stated the Council can put one on if they
245 would like. Chairman Dolan gave Smith the direction to put together a written rule to bring back to the Council after Legal
246 looks at it.

247
248 Chairman Dolan went back to New Business

LONDONDERRY TOWN COUNCIL MEETING MINUTES

NEW BUSINESS CONT.

251

252

253 Chairman Dolan introduced Resolution #2012-14 (A) and Resolution #2012-19 (A). Councilor Green stated that there are
254 many sports offered in Londonderry but there are few that have two groups that do the same sport. Councilor Green stated that
255 at one point the Recreation Commission felt that it was necessary to have two groups sanctioned, which is unusual. Councilor
256 Green stated that an exception was made because there was a need for one group to be in control of recreation and one group
257 to be in control of travel. Councilor Green stated that the Recreation Commission has given the Council two write-ups to
258 amend the Resolutions. Councilor Green read the specifics of the Resolutions. Town Manager Smith stated that there should
259 be, where it says the second whereas on both of the Resolutions, 'Town Council adopted CI', Smith stated that it should be XI.
260 Councilor Green stated that he amends his first reading. Second by Vice Chairman Butler. Councilor Green stated that in
261 Resolution #2012-19 (A), the Recreation Director asked to have the definition changed to instead of 'participants are over the
262 age of eight' to amend it to 'participants are over the age of eight years of age or older'. Councilor Green stated that he is the
263 Vice President of Londonderry Youth Soccer Association so he will be remaining himself from voting. Motion to accept both
264 Resolutions as amended made by Councilor Freda and second by Vice Chairman Butler.

265

266 There was no discussion among the Council.

267

268 Tod Ellis, 298 High Range Road, stated that he sits on the Board of Londonderry United, the travel organization. Ellis stated
269 that there has been much discussion regarding soccer this past year. Ellis stated that he agrees with everything except the age
270 of when kids can start travel. Ellis stated that a program was put into place where U7 and U8 were traveling. Ellis stated that
271 the age really keeps kids from being able to play, having to be eight and over. Ellis stated that they would need to turn six after
272 August first and that would constitute U7. Chairman Dolan stated that Ellis needs to make his arguments about the age to the
273 Recreation Commission. Ellis stated that he understands. Chair votes 4-0-0.

274

275 Councilor Green introduced Ordinance #2006-08 (A). Councilor Green read in the Ordinance. Councilor green motioned to
276 accept the first reading. Second by Councilor Freda. Councilor Freda asked why it is effective six months from the adoption
277 date. Will it be skipping this season. Councilor Green said that is correct. Chair votes 5-0-0.

278

279

APPOINTMENT/REAPPOINTMENT

280

281 Chairman Dolan invited up Ann Chiampa, a candidate for the Alternate position open with the Londonderry Planning Board.
282 Chiampa thanked the Council for giving her an extension on her interview as she was dealing with some family issues.
283 Chiampa stated that she was born in Manchester and raised in the Derryfield Section on the southeastern side of the city.
284 Chiampa stated that she has lived here now for twenty four years. She graduated from UNH and became a typeface designer,
285 editor and supervisor for three major corporations, Centronics, Compugraphic Corporation and Agfa Corporation. Chiampa
286 stated that she also volunteered as a Girl Scout leader for seven years for Troop 16 out of Matthew Thornton School. Chiampa
287 stated that she has taken the real estate agent certification course and appraisal courses, classes in architectural drafting,
288 cabinet making and sign carving. Chiampa stated that she is the President of Londonderry Historical Society right now. She is
289 also a member of the Heritage Historic District Commission. Chiampa stated that she hopes the Council will seriously
290 consider her application for a seat on the Londonderry Planning Board.

291

292 Councilor Green recommended the Council to appoint Ann Chiampa to the alternate position on the Planning Board. Second
293 by Councilor Freda.

294

295 Councilor Farrell stated that he is a little confused by something. The Council got a number of e-mails saying that the
296 candidate was going to get legal advice on what to do yet Chiampa stated that she asked for an extension due to family issues.
297 Councilor Farrell stated that he was a little perplexed by what was said and what was read. Councilor Farrell asked to evoke
298 Councilor privilege and move it to the next meeting because he would like an answer to that question. Chairman Dolan stated
299 that the item will be moved to the agenda on September 8th. Councilor Farrell stated that he has heard two different things.

300

LONDONDERRY TOWN COUNCIL MEETING MINUTES

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ADJOURNMENT

Motion to adjourn made by Councilor Farrell and second by Councilor Freda. Chair votes 5-0-0.

Notes and Tapes by:

Kirby Wade

Date: 08/11/14

Minutes Typed by:

Kirby Wade

Date: 08/17/14

Approved by:

Town Council

Date: 09/08/14

DRAFT