

**TOWN COUNCIL AGENDA**  
**April 3, 2017**  
**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**

**C. PUBLIC HEARING**

**D. OLD BUSINESS**

**E. NEW BUSINESS**

1. **Discussion on Veteran's tax credit per legislative state guidance**
2. **Order #2017-08** – An Order Relative to the Expenditure of Capital Reserve Funds for Highway Trucks and Equipment.  
**Presented by: Kevin Smith**
3. **Order #2017-09** – An Order Relative to the Expenditure of Maintenance Trust Funds for Various Projects.  
**Presented by: Steve Cotton**
4. **Ordinance #2016-07A** – An Amendment to Ordinance 2016-07 Relative to a Restriction on Outside Water Use.  
**Presented by: Lisa Drabik**
5. **Order #2017-10** – An Order Relative to the Distribution of Fire Equipment Capital Reserve Funds  
**Presented by: Chief Darren O'Brien**
6. **Appointment of Tax Collector, Deputy Town Clerk and Deputy Tax Collector**

**F. APPROVAL OF MINUTES**

1. Approval March 20, 2017 Town Council Meeting Minutes
2. Approval of March 27, 2017 Town Council Organizational Meeting Minutes

**G. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report

**H. ADJOURNMENT**

**I. MEETING SCHEDULE**

Town Council Meeting – 04/17/17 Moose Hill Council Chambers, 7:00 PM

Town Council Meeting – 05/01/17 Moose Hill Council Chambers, 7:00 PM

Town Council Meeting – 05/15/17 Moose Hill Council Chambers, 7:00 PM

Town Council Meeting – 06/05/17 Moose Hill Council Chambers, 7:00 PM

## ORDER 2017-08

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 purchase a Dump Body /Spreader / Plows / Hydraulics / Pre-wetting Equipment / Air Ground Sensors and Six-Wheel Truck as contemplated in the Highway Department's schedule; and,

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

***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:

Viking Cives of Maine 2085 Libon Road Lewiston, Maine 04210	Dump Body / Spreader / Plows / Hydraulics / Pre-wetting Equipment / Sensors	\$77,614.00
Liberty International Trucks 1400 S. Willow Street Manchester, NH 03103-4077	Six-Wheel Truck Optional Extended Warranty Trade in Allowance	\$82,200.00 \$3,375.00 <u>-\$11,000</u> \$74,575.00
Total cost to the Town of Londonderry		\$152,189.00

---

Tom Dolan - Chairman  
Town Council

(TOWN SEAL )

---

Sharon Farrell - Town Clerk

**A TRUE COPY ATTEST:**  
04/03/17

# **ORDER #2017-09**

An Order Relative to

## ***EXPENDITURE OF MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS***

---

Reading: 04/03/2017

Adopted: 04/03/2017

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

***WHEREAS*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$5,655.00 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

***NOW THEREFORE BE IT ORDERED*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$5,655.00 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

---

Tom Dolan, Chairman  
Town Council

---

Sharon Farrell  
Town Clerk

***A TRUE COPY ATTEST:***  
04/03/2017

**Stephen R. Cotton**

---

From: Stephen R. Cotton  
 Sent: Monday, March 27, 2017 10:29 AM  
 To: Kevin Smith; Stacie Street  
 Cc: Stephen R. Cotton  
 Subject: EMTF for 4/3/17 TC Meeting

Kevin/Kacie, please add EMTF to the 4/3/17 TC agenda, and create the TC Order to support this request. Steve

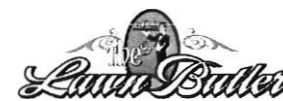
**Expendable Maintenance Trust TC Order Request  
 for Town Council Meeting "4/03/17"**

Des::ription	Vendor	Amount
Winter Maintenance - TH/PD/Libra (P/Cable Access Sho..eling/PlovingTreatment of parking lots, walkways, fire lanes at TH/PO/Library/Cable Access on Invoice #1276 on 3/14/17, Invoice #1277 3.15/17, and Invoice #1278 3./25117. This EMTF request is for the labor/materials for snow & ice treatment at numerous town buildings.	Lawn Butler - Invoice # 1276	S 2,085.00
	Lawn Butler - Invoice # 1277	S 2,085.00
	Lawn Butler - Invoice # 1278	S 665.00
		S 4,845.00
Winter Maintenance - Senior Center Sho..eling/PlovingTreatment of parking lot, and Walkways, at the Senior Center on 3-110. 3/14. and 3/15/17. This EMTF request is for the labor/materials for snow & ice treatment at our Senior Center.	Green Magic -Invoice #.2333	S 810.00
		S 810.00
<i>Total Town Council EMTF Order</i>		S 5,655.00

Steve R. Cotton  
 Town of Londonderry  
 Administrative Support Coordinator  
 2688 Mammoth Road  
 Londonderry, NH 03053  
 603-432-1100 x 119  
 FAX (603) 432-1128

**The Lawn Butler LLC**  
51 Harvey Rd. Unit 6  
Londonderry, NH 03053  
(603)235-0208  
nhlawnbutler@gmail.com

# Invoice



BILL TO  
Stephen Cotton  
Town of Londonderry  
2688 Mammoth Rd.  
Londonderry, NH 03053

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
1276	03/27/2017	\$2,085.00	03/27/2017	Due on receipt	

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
Plowing Storm of 3/14			
<b>Commercial: PLOW/SALT TOWN HALL PARKING LOTS</b> PLOW/SALT TOWN HALL PARKING LOTS	7	185.00	1,295.00
<b>Commercial: PLOW/SALT WALKS AND FIRE ACCESS RD.</b> PLOW/SALT WALKS AND FIRE ACCESS RD.	5	150.00	750.00
<b>Commercial: PLOW/SALT ACCESS CENTER</b> PLOW/SALT ACCESS CENTER		40.00	40.00
		BALANCE DUE	<b>\$2,085.00</b>

**The Lawn Butler LLC**  
 51 Harvey Rd. Unit 6  
 Londonderry, NH 03053  
 (603)235-0208  
 nhlawnbutler@gmail.com

# Invoice



BILL TO  
 Stephen Cotton  
 Town of Londonderry  
 2688 Mammoth Rd.  
 Londonderry, NH 03053

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
1277	03/27/2017	\$2,095.00	03/27/2017	Due on receipt	

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
Shoveling storm of 3/14-3/15			
Commercial:SHOVEL WAL'r<YNAYS AND ICE MELT LEACH LIBRARY	4	75.00	300.00
SHOVEL WALKWAYS AND ICE MELT LEACH LIBRARY			
Commercial:SHOVEL WAL'r<YNAYS AND ICE MELT TOWN HALL/PD	7	205.00	1,435.00
SHOVEL WALKWAYS AND ICE MELT TOWN HALL/PD			
Salting 3/16 AM			
Commercial:ICE MELT ACCESS CENTER		20.00	20.00
ICE MELT ACCESS CENTER			
Commercial:CE MELT LEACH LIBRARY		35.00	35.00
ICE MELT LEACH LIBRARY			
Commercial:ICE MELT TOWN HALL/PD		150.00	150.00
ICE MELT TOWN HALL/PD			
Commercial:SALT APPLICATION TOWN PARKING LOTS		100.00	100.00
SALT APPLICATION TOWN PARKING LOTS			
Commercial:SALT APPLICATION FIRE ACCESS RD.		55.00	55.00
SALT APPLICATION FIRE ACCESS RD.			

BALANCE DUE

**\$2,095.00**

**The Lawn Butler LLC**  
 51 Harvey Rd. Unit 6  
 Londonderry, NH 03053  
 (603)235-0208  
 nhlawnbutler@gmail.com

# Invoice



BILL TO  
 Stephen Cotton  
 Town of Londonderry  
 2688 Mammoth Rd.  
 Londonderry, NH 03053

INVOICE#	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
1278	03/27/2017	\$665.00	03/27/2017	Due on receipt	

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
Salting 3/25 PM			
Commercial:SALT APPLICATION TOWN PARKING LOTS SALT APPLICATION TOWN PARKING LOTS		100.00	100.00
Commercial:SALT APPLICATION FIRE ACCESS RD. SALT APPLICATION FIRE ACCESS RD.		55.00	55.00
Commercial:ICE MELT TOWN HALUPD ICE MELT TOWN HALL/PD		150.00	150.00
Salting 3/26 AM			
Commercial:ICE MELT TOWN HALUPD ICE MELT TOWN HALL/PD		150.00	150.00
Commercial:ICE MELT LEACH LIBRARY ICE MELT LEACH LIBRARY		35.00	35.00
Commercial:ICE MELT ACCESS CENTER ICE MELT ACCESS CENTER		20.00	20.00
Commercial:SALT APPLICATION TOWN PARKING LOTS SALT APPLICATION TOWN PARKING LOTS		100.00	100.00
Commercial:SALT APPLICATION FIRE ACCESS RD. SALT APPLICATION FIRE ACCESS RD.		55.00	55.00
		<b>BALANCE DUE</b>	<b>\$665.00</b>



**Invoice**

**Green Magic Landscaping &**

**12 Adams Pond Rd**

**Derry NH 03038**



Date: 3/19/2011  
Invoice #: 20001



Bill To

10A 11 of Lununderr \,1-1  
2r>8B \L11nm,nh R11:iJ  
:Londonderry, NH 03053

P.O. No.                      Terms                      Project

Due: 011 rec.:ipt

Description	Qty	Rate	Amount
Pio" ing r_ the s.:nior tlnkr on 3 1-1 17		19(J.0)	380.0J
Sno" sh11\.:111g z' the se111M C<:nter _; 1-1 17		80.00	1 60 0il
S.th applic.:atil\Jl /i th.: sc111lor c.:<nter on ; 11) 17 3 1-1 17 and _; 15 17		91J.110	270.0(J

Thank you for our busint:>>

Phone #                      Fax #                      E-mail  
6035379242                      6039653948                      greenmagiclle@yahoo.com

**Total**                      5810.0tl

**Payments/Credits**                      )0.0J

**Balance Due**

# ORDINANCE 2016-07A

## Amendment to Restriction on Outside Water Use

---

First Reading: 04/03/17

Second Reading/Public Hearing: 04/17/2017

Adopted: \_\_\_\_\_

**WHEREAS** on October 3, 2016, the Town of Londonderry, by and through the Londonderry Town Council, adopted Ordinance 2016-07, an Ordinance Relative to a Restriction on Outside Water Use, in response to the severe and extreme drought conditions and the impacts therefrom facing the residents of Londonderry, thereby imposing a mandatory ban on the watering of all residential lawns in Londonderry in accordance with RSA 41:11-d; resting enforcement of said ban with the Town of Londonderry Police Department and granting any sworn officer therein the authority to initiate any enforcement action against any violator of said ban; imposing certain penalties for violation of said ban pursuant to RSA 651:2 as follows: (1) verbal or written warning for a first violation, (2) \$250 fine for a second violation, and (3) \$500 fine for each succeeding violation; and further encouraging that all non-residential property owners in Londonderry voluntarily abide by the same watering ban;

**WHEREAS** since the imposition of said watering ban pursuant to Ordinance 2016-07, Town of Londonderry Town Manager Kevin Smith has been monitoring the drought conditions via communication with the New Hampshire Department of Environmental Services (“NHDES”);

**WHEREAS** as of Thursday, March 30, 2017, the US Drought Monitor Center has classified the Town of Londonderry as a municipality suffering from “Severe” drought conditions, a downgrade from the “Extreme” conditions that existed last fall;

**WHEREAS** RSA 41:11 allows municipalities through their governing body to establish restrictions on the use of water from private wells or public water systems for residential outdoor lawn watering when a drought condition has been declared; and

**WHEREAS** Portions of Londonderry are already under some restrictions as put in place by the public water supply companies.

**NOW THEREFORE, the Town of Londonderry**, by and through the Londonderry Town Council, **hereby amends** the water ban as adopted in Ordinance 2016-07 and **ordains** that, in response to the improved but still severe drought conditions and the impacts therefrom facing the residents of Londonderry, effective \_\_\_\_\_, Ordinance 2016-07 shall be replaced by Ordinance 2016-07A; and that this amended Ordinance 2016-07A shall impose a mandatory restriction on the watering of all residential lawns as follows and in accordance with RSA 41:11-d: **Residents with house number addresses ending in an ODD number (1, 3, 5, 7 or 9) shall only be permitted to water their lawns on Mondays, Wednesdays, Fridays, and Sundays; and Residents with house number addresses ending in an EVEN number (0, 2, 4, 6 or 8) shall only be permitted to water their lawns on Tuesdays, Thursdays, Saturdays and Sundays.** Enforcement of this restriction shall be completed by any sworn officer of the Town of Londonderry Police Department, which is hereby granted the authority to initiate any enforcement action against any violator of this restriction. Any person failing to comply with the restriction shall be deemed in violation and subject to the following penalties pursuant to RSA 651:2: (1) a first violation shall result in a warning; (2) a second violation shall result in a \$250 fine; and (3) each succeeding violation shall result in a \$500 fine. Furthermore, it is encouraged that all

non-residential property owners in Londonderry voluntarily abide by the same restriction.

---

Tom Dolan, Chairman  
Londonderry Town Council

(TOWN SEAL)

---

Sherry Farrell  
Town Clerk

***A TRUE COPY ATTEST:***

---

## **TOWN OF LONDONDERRY RESTRICTED WATER USE ORDINANCE**

### **I. PURPOSE**

To protect public health and safety by restricting the use of water from private wells or public water systems for residential outdoor lawn watering during a state or federally declared drought.

### **II. AUTHORITY**

This regulation is adopted pursuant to the provisions of RSA 41:11-d, which authorizes the local governing body to establish regulations restricting the use of water from private wells.

### **III. APPLICABILITY**

The requirements of this section shall apply immediately after the public notice period described in Section VII to all residential outdoor lawn watering within the Town of Londonderry when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

### **IV. DEFINITIONS**

A. Drought: A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are used by the Town of Londonderry to determine the declaration of a drought condition:

- i. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan
- ii. State of Emergency declaration by the Governor's Office
- iii. United States Drought Monitor

B. Residential Lawn Watering: The application of water to decorative grass at a property that has a primary use to provide living accommodations for people.

### **V. REQUIREMENTS UNDER DROUGHT CONDITIONS**

The following limits to residential lawn watering shall apply under drought conditions as determined by the Londonderry Town Council, and will be included in the public notice required under Section

VII of this regulation. Such restriction shall remain in effect until terminated as provided in Section VIII.

AS OF \_\_\_\_\_ THE TOWN COUNCIL HEREBY IMPLIMENTS THE FOLLOWING RESIDENTIAL WATER USE RESTRICTION:

Residents with house number addresses ending in an ODD number (1, 3, 5, 7 or 9) shall only be permitted to water their lawns on Mondays, Wednesdays, Fridays, and Sundays.

Residents with house number addresses ending in an EVEN number (0, 2, 4, 6, or 8) shall only be permitted to water their lawns on Tuesdays, Thursdays, Saturdays and Sundays.

## **VI. PUBLIC NOTIFICATION OF WATER USE RESTRICTION**

Notification of any intention to restrict water use and the requirements associated with Section V shall be given at least three calendar days before implementation. Notice of the regulations shall be posted in a paper of general circulation and shall be posted in at least two public places.

## **VII. TERMINATION OF WATER USE RESTRICTION**

Public notification and termination of water use restriction shall be given in accordance with Section VI.

## **VIII. ENFORCEMENT**

Any sworn officer of the Town of Londonderry Police Department is hereby granted the authority to initiate any enforcement action against any violation of the provisions of this Ordinance.

## **IX. PENALTIES**

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed a violation and subject to penalties pursuant to RSA 651:2:

First violation: Warning

Second violation: \$250

Third and succeeding violations: \$500

# ORDER #2017-10

An order relative to

## *The Distribution of Fire Equipment Capital Reserve Funds*

---

First Reading: 04/03/17  
Second Reading: Waived  
Adopted: 04/03/17

**WHEREAS** the Town of Londonderry, by adoption of Article No. 6 at the March 13, 2012 Town Meeting, approved funding \$150,000 for the acquisition of fire department equipment; and,

**WHEREAS** the Fire Department Equipment Committee has completed its review of several manufacturers' equipment and have made a recommendation that the Town purchase eleven (11) G-Extreme Jacket and Pants, Scotchlite Lettering, G-Extreme Pants, Nomex Hand and Wrist Guards, Snaps for Patch, Rappelling Harness Loots, Add Patches and Estimated S&H from Bergeron Protective Clothing, LLC; and,

**WHEREAS** the total invoice is \$28,841.07 and the remaining balance of \$12,430.07 will be paid by the Fire Department Operating Budget.

**WHEREAS** the Committee further recommends that \$16,411.00 be withdrawn from the Capital Reserve Fund for Fire Department Equipment.

**NOW THEREFORE BE IT ORDERED** by the Londonderry Town Council that the Town Treasurer is hereby directed and authorized to expend from the Fire Department Equipment Reserve Fund the sum of \$16,411.00.

---

Tom Dolan - Chairman  
Town Council

---

Sherry Farrell - Town Clerk/Tax Collector

(TOWN SEAL)

**A TRUE COPY ATTEST:**  
04/03/17



1024 Suncook Valley Hwy., Unit 5-D  
 Epsom NH, 03234  
 TEL: 603.736.8500  
 www.BergeronProtectiveClothing.com

# ORDER ACKNOWLEDGEMENT

No. : 203890

For Quotation#: 201496  
 Doc. Date : 01/26/2017  
 Payment Terms : NET30  
 Delivery Date: 01/26/2017  
 Customer PO:  
 Salesperson : Maureen Grecco  
 Page : Page 1 of 2

**Bill To**

Londonderry Fire Department  
 Battalion Chief Mike McQuillen  
 280 Mammoth Road  
 Londonderry NH 03053

**Ship To :**

Battalion Chief Mike McQuillen  
 280 Mammoth Road  
 Londonderry NH 03053

Quantity	Style	Description	Unit Price	Your Cost
7	312GLMB	Globe, G-Xtreme Jacket, Gemini XT w/ Matrix - Gold Trim Color: Lime Yellow Glide Ice Thermal Liner Stedair 3000 Moisture Barrier LY NYC triple trim 2 inch Scotchlite letters "LONDONDERRY" Row B 2x3.5x8 radio pocket- Left Chest Self material Mic strap above radio pocket Survivor Light Holder-right chest Dragon Hide cuffs American Flag left sleeve Hung letter patch for last names Drag Rescue Device Sizes Chest T44, Siv std, Length 32- NORTHROP (Riley) Chest T48, Siv -1, Length 32 - MACCARONE ( Anthony) Chest T42, Siv std, Length 32 - BUICO (Michael) Chest T44, Siv std , Length 32 - ST JEAN (Will) Chest T42, Siv -2 , Length 32 - SCHOFIELD (Brian) Chest T42, Siv -1 , Length 32 -ROBERSON (Michael) Chest T44, Siv std, Length 32 - ENGLAND (Michael)	1,221.14	8,547.98
7	190549N	Wristers, Nomex Hand & Wrist Guards	4.45	31.18
51	19721	Letter, 3" Scotchlite Color: LY Location: Hung Letter Patch Add last name	2.45	124.95
7	VELDEPPATCH	Velcro Patch and Velcro to Receive Dept. Patch Location: Right Steeve	35.00	245.00
			Subtotal:	<b>\$8,949.11</b>
7	H12GLMB	Globe IH Harness Ready, Gemini XT W/Matrix Gold Trim Color: Lime Yellow	1,032.18	7,225.26

NOTE: Please check for errors or omissions of the style, size, spelling, color of material and trim as there is a charge for changes and or cancellations. If you find an error or omission, contact us ASAP. Shipping and handling is FOB factory. TERMS are NET 30 DAYS

From: BERGERON PROTECTIVE CLOTHING LLC  
 To: Londonderry Fire Department

Document No. : 203890  
 Doc. Date : 01/26/2017

Quantity	Style	Description	Unit Price	Your Cost
		Glide IceThermal Liner		
		Stedair 3000 Moisture Barrier		
		L/Y triple trim around cuffs		
		Dragon Hide knees and cuffs		
		Kevlar lined expansion pockets		
		Dragon Hide pocket reinforcement		
		Padded knees		
		Lifeline Rope Pocket in Right expansion Pocket		
		Padded Rip-cord Suspenders with L/Y trim		
		Sizes		
		Waist R36, Length 32- NORTHROP (Riley)		
		Waist R38 Length 30 - MACCARONE ( Anthony)		
		Waist R 36, Length 30 - BUCO (Michael)		
		Waist R38, Length 34 - ST JEAN (Will)		
		Waist R36, Length 30 - SCHOFIELD (Brian)		
		Waist R36 , Length 30 -ROBERSON (Michael)		
		Waist X40, Length 30 - ENGLAND (Michael)		
7	IHSER2H	Series 2 Harness	234.40	1,640.80
7	CARABY	Carabineer, Series 1 or 2 Harness, Yates	71.49	500.44
			<b>Subtotal:</b>	<b>\$9,366.50</b>

<b>Subtotal</b>	18,315.61
<b>Shipping &amp; Handling</b>	43.00
<b>Total</b>	<b>18,358.61</b>

NOTE: Please check for errors or omissions of the style, size, spelling, color of material and trim as there is a charge for changes and or cancellations. If you find an error or omission, contact us ASAP. Shipping and handling is FOB factory. TERMS are NET 30 DAYS



1024 Suncook Valley Hwy., Unit 5-D  
Epsom NH, 03234  
TEL: 603.736.8500  
www.BergeronProtectiveClothing.com

# ORDER ACKNOWLEDGEMENT

No. : **203889**

For Quotation#: 201496  
**Doc. Date :** 01/26/2017  
**Payment Terms :** NET30  
**Delivery Date:** 02/01/2017  
**Customer PO:**  
**Salesperson :** Maureen Gnecco  
**Page :** Page 1 of 2

**Bill To**

Londonderry Fire Department  
 Battalion Chief Mike McQuillen  
 280 Mammoth Road  
 Londonderry NH 03053

**Ship To :**

Battalion Chief Mike McQuillen  
 280 Mammoth Road  
 Londonderry NH 03053

Quantity	Style	Description	Unit Price	Your Cost
4	312GLMB	Globe, G-Xtreme Jacket, Gemini XT w/ Matrix - Gold Trim Color: Red Orange Glide Ice Thermal Liner Stedair 3000 Moisture Barrier NYC triple trim- R/O triple trim for Officers 2 inch Scotchlite letters "LONDONDERRY" Row B 2x3.5x8 radio pocket- Left Chest Self material Mic strap above radio pocket Survivor Light Holder-right chest Dragon Hide cuffs American Flag left sleeve Hung letter patch for last names Drag Rescue Device Quantity    Sizes (1)            Chest T42, Slv -2, Length 29- CAMIRE (Jonathan) (1)            Chest T46, Slv +1, Length 32 -DION (Gary) (2)            Chest T46, Slv -1, Length 32-WALDRON (Donald)	1,221.14	4,884.56
4	190549N	Wristers, Nomex Hand & Wrist Guards	4.45	17.81
24	19721	Letter, 3" Scotchlite Color: RO Location: Hung Letter Patch Add last name	2.45	58.80
4	VELDEPPATCH	Velcro Patch and Velcro to Receive Dept. Patch Location: Right Sleeve	35.00	140.00
			<b>Subtotal:</b>	<b>\$5,101.17</b>
4	H12GLMB	Globe IH Harness Ready, Gemini XT WMatrix Gold Trim Color: Red Orange	1,032.18	4,128.72

NOTE: Please check for errors or omissions of the style, size, spelling, color of material and trim as there is a charge for changes and or cancellations. If you find an error or omission, contact us ASAP. Shipping and handling is FOB factory. TERMS are NET 30 DAYS



From: BERGERON PROTECTIVE CLOTHING LLC  
 To: Londonderry Fire Department

Document No. : 203889  
 Doc. Date : 01/26/2017

Quantity	Style	Description	Unit Price	Your Cost
		Glide IceThermal Liner		
		Stedair 3000 Moisture Barrier		
		Triple trim around cuffs-R/O for Officers		
		Dragon Hide knees and cuffs		
		Kevlar lined expansion pockets		
		Dragon Hide pocket reinforcement		
		Padded knees		
		Lifeline Rope Pocket in Right expansion Pocket		
		Padded Rip-cord Suspenders with R/O trim for Officers		
		Quantity Sizes		
		(1) Waist R36, Length 28 -CAMIRE (Jonathan)		
		(1) Waist R42 , Length 32 , - DION (Gary)		
		(2) Waist R 42, Length 28, -WALDRON (Donald)		
4	IHSER2H	Series 2 Harness	234.40	937.60
4	CARABY	Carabineer, Series 1 or 2 Harness, Yates	71.49	285.97
		Subtotal:		<u>\$5,352.29</u>

<b>Subtotal</b>	10,453.46
<b>Shipping &amp; Handling</b>	29.00
<b>Total</b>	<u>10,482.46</u>

NOTE: Please check for errors or omissions of the style, size, spelling, color of material and trim as there is a charge for changes and or cancellations. If you find an error or omission, contact us ASAP. Shipping and handling is FOB factory. TERMS are NET 30 DAYS

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

1 **March 20, 2017**

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

5  
6 Present: Chairman John Farrell; Vice Chairman Tom Freda; Councilors Jim Butler, Tom Dolan and Joe  
7 Green; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik; Temporary Executive  
8 Assistant Stacie Street.

9  
10 **CALL TO ORDER**

11  
12 Chairman Farrell called the Town Council meeting to order at 7 PM. Chairman Farrell led the Pledge of  
13 Allegiance. This was followed by a moment of silence for all first responders in Londonderry and all men  
14 and women who serve abroad in the Armed Forces.

15  
16 **PUBLIC COMMENT**

17  
18 Tim Siekmann, 89 Hovey Road, Mr. Siekmann asked if he should wait to bring this up after Section E on  
19 the meeting agenda. Chairman Farrell stated that there would be no public comment during or after Section  
20 E so he suggested that the comments be made as long as they did not infringe on the inquiry. Mr. Siekmann  
21 stated that his comments did not have anything to do with the inquiry but rather about the election. He  
22 wrote it down so he could read it. Chairman Farrell again told Mr. Siekmann that the Town Council was  
23 trying to be as fair as possible and without knowing Mr. Siekmann had to say, Chairman Farrell could  
24 advise him on how to handle his statement. Chairman Farrell stated that something was brought to the  
25 Council's attention and they did what they also do, they set an emergency meeting and that information  
26 was sent to the same people they always send it out to. People responded and the Council stayed silent in  
27 order to be fair and impartial. Chairman Farrell told Mr. Siekmann that he was trying to help him but  
28 didn't know how. Mr. Siekmann responded with his concern that the emergency meeting was called to  
29 get this handled right away but the newspapers and news stations were called and this is all over the news,  
30 the candidates faces were all over the place before an election saying they could have done something  
31 wrong. If it turns out they did nothing wrong, do they get the same media attention saying it's no big deal?  
32 5 days of "misconduct" is running through the town, which is campaign manipulation, these men were  
33 "slandered" and where is there 5 days of "they did nothing wrong" if it is found out that they didn't do  
34 anything wrong. How is this going to be made up? Who takes responsibility? These men didn't even know  
35 anything about this until they saw their faces on WMUR. Chairman Farrell reiterated that they sent out  
36 the information to the same list that the information always gets sent to. The information was not sent out  
37 with a purpose other than to meet state law. Chairman Farrell requested that he be patient and wait for the  
38 inquiry to begin and then he gave a preview. Chairman Farrell read: "We are greatly disheartened to be  
39 presented with this unfortunate set of circumstances." He reminded Mr. Siekmann that they did not look  
40 for this, this news was brought to the Town Council. Chairman Farrell jokingly stated that he thought  
41 someone would suggest that he made it snow so that this would happen. He also pointed out that he's not  
42 happy about the circumstances either. Mr. Siekmann again commented that the timing was perfect for the  
43 "slander" of two candidates who may have done nothing wrong. Mr. Siekmann was concerned that these

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

44 two men could lose the election just because people in town heard they may have done something wrong.  
45 Mr. Siekmann made reference to the issues with voting on the National level and did not want problems  
46 with voting in our town. He then asked why this couldn't have been handled on the emergency meeting  
47 phone call, instead of at the March 20, 2017 meeting, with only 12 hours until the town elections. Mr.  
48 Siekmann asked again how does this get fixed, how do these 2 men, who are running for Town Council  
49 get their names out of the media for "misconduct?" How do you "unslander" someone?

50  
51 Chairman Farrell told everyone that the Town Council would follow a process and it would be as fair as  
52 possible. He then asked if anyone else would like to add anything?

53  
54 Councilor Tom Dolan suggested that "slander" is out of line. He defined slander as a crime of making a  
55 false spoken statement that damages a person's reputation. Councilor Dolan stated that he does not believe  
56 anyone had done that and he stated that he feels it is inappropriate to accuse the Town Council of doing  
57 so.

58  
59 Mr. Siekmann agreed, took the word slander back but said it changes people's opinions and he felt he  
60 needed to bring it up and make it available so it gets addressed.

61  
62 Chairman Farrell hits the gavel to discourage the audience from being disruptive.

63  
64 Vice Chairman Freda spoke and suggested he turn the tables, asking what if the men did do something  
65 wrong? What if the Town Council was told and they didn't do anything about it, if they didn't inform the  
66 voters? Mr. Siekmann agreed they had to do something. Vice Chairman Freda said they have to do things  
67 in public as they follow the town's procedure. Mr. Siekmann then had concerns that anyone could come  
68 up with accusations 5 days before an election and then the Town Council would have to investigate.

69  
70 Chairman Farrell reminded all that there is a procedure that is followed, they followed and they did the  
71 best they could with what was handed to the Council at the time. He suggested we try to work through the  
72 process, doing what was the fairest thing possible, and then move on.

73  
74 Chairman Farrell said if Mr. Siekmann would like to bring up the issue of election fraud, this was not the  
75 forum.

76  
77 Mr. Siekmann continued and asked again, if these men get wiped out on the election, who gets held  
78 responsible?

79  
80 Chairman Farrell stated that the Town Council did not put anything on Facebook, talk to WMUR or The  
81 Union Leader. Vice Chairman Freda reminded Mr. Siekmann that no Council Member was an accuser in  
82 the inquiry. Chairman Farrell then stated that he could not give any answers until the inquiry was held.  
83 There could be no answer to Mr. Siekmann's questions because the meeting had to take place first. Mr.  
84 Siekmann finished with stating that if the 2 men were found with no misconduct, he wanted an answer as  
85 to who was going to make up for all of the negative media attention? Chairman Farrell stated that the

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

86 Council would do they best they could.

87

88 Martin Srugis 17 Wimbledon Drive thanked the Council for delaying the vote from last week allowing  
89 everyone to safely drive at a later date. Chairman Farrell thanked him for his comment and let everyone  
90 know it was the 2 Town Moderators who delayed the vote and his thanks would be passed along.

91

92 Tammy Siekmann 89 Hovey Road wanted it known on public record who called WMUR to make sure  
93 they were on the emergency phone call? Chairman Farrell told Ms. Siekmann she was wrong. He told her  
94 that when an emergency Town Council meeting is called, the information is sent to a full list of people.  
95 The list is always the same. Cathy Bailey, Glenn Douglas, WMUR are all on the phone as they are on the  
96 list, all media is on the full list. Chairman Farrell stated thay the phone call started as he was on a drive  
97 back from New York City and he surprised to hear WMUR was on the call. He had no idea they were on  
98 the call until they replied that they were on the call. The Town Managers office was notified about the  
99 meeting and was asked to send out the notification about the meeting so everyone knew the meeting was  
100 being held in the public. It was the normal process. Ms. Siekmann asked if the candidates were notified to  
101 be on the call since they were the accused. Town Manager Kevin Smith responded to say that they were  
102 not personally notified and said that it was a matter for the Town Council and the public, and at that point  
103 their names were not a part of the notice that went out. Ms. Siekmann stated that their faces were on the  
104 news, so someone had to give WMUR information. Chairman Farrell suggested that WMUR is reporting  
105 and the Town Council did not give them information. Chairman Farrell then stated that Vice-Chair Freda  
106 read a statement on the phone meeting about the inquiry. Ms. Siekmann wanted it on record that the way  
107 this inquiry was handled before an election was unfair and then referred to last year's elections and how  
108 she felt that the town had a lot of problems with the way the town handles elections. She thinks that the  
109 press should not have been called before the 2 accused candidates were called. She believes that the Town  
110 Council is making people not want to run in this town. Chairman Farrell agreed with Ms. Siekmann that  
111 this is not a power play and stated that the discussion was at the courtesy of the Town Council. Ms.  
112 Siekmann did not want to be told to be quiet and wanted answers. Vice Chairman Freda stated that the  
113 Council had given the answer and she just didn't like the answer given. Ms. Siekmann made a final  
114 comment that the Council will listen!

115

116 Councilor Tom Dolan read a statement:

117

118 Several accusatory and disparaging comments have and are being made (in some cases by several of you  
119 sitting in this room tonight apparently prejudging the motivation of the Town Council). Some examples  
120 of documented comments are as follows:

121

122 *Something doesn't smell right here.*

123 *It is a smear before the polls open.*

124 *There may be a rat.*

125 *What is the motivation of this Town Council to go public with this? The only I can think of is to affect the*  
126 *vote...*

127 *Leave it to Town Council to try and disparage two Town Council candidates.*

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

128 *This is a deliberate smear campaign to the tenth degree by John Ferrell and our Town Council.*

129 *Let's look at the developer and the relationship he has with our town officials.*

130 *I think this happening before the election is way beyond fishy.*

131 *Can you say set-up?*

132 *Sounds like someone is in the pocket of the developers.*

133

134 These comments indicate that some citizens suspect some evil intent to rig the election, to influence a  
135 development in favor of the developers, and in fact presume some illegal collusion with developers.  
136 Several of the accusations suggest crimes are being committed by the Council. I understand that  
137 speculating is part of human nature, but I caution you to allow this investigation to complete. While on  
138 the internet I found an interesting story I wanted to offer to you to think about.

139

140 Once upon a time, an old man spread rumors that his young neighbor was a thief. As a result, the young  
141 man was arrested. Days later, he was proven innocent. After being released. He sued the old man for  
142 wrongly accusing him. In court, the old man told the judge: "Hey, they were just comments, they didn't  
143 hurt anyone." The judge, before issuing sentence on the case, told the old man: "write all the things you  
144 said about him on a piece of paper. Then, cut it up into little pieces and on the way home, throw the pieces  
145 of paper out the car window. Tomorrow, come back to hear your sentence." The next day the judge told  
146 the old man: "Before receiving your sentence, I want you to go out and gather up all the pieces of paper  
147 that you threw out the window yesterday." The old man said, "I can't do that! The wind spread them all  
148 over the place and I won't know where to find them." Then the judge replied, "The same way, simple  
149 words and comments may destroy honor of a person to such an extent that a person will not be able to fix  
150 it. If you can't speak well of someone, don't say anything at all. Let's all be masters of our mouths, so that  
151 we won't be slaves of our words. Gossips are worse than thieves because they steal another person's  
152 dignity, honor, reputation and credibility which are impossible to restore. So remember this: when your  
153 feet slip, you can always recover your balance but when your tongue slips, you can never recover your  
154 words!"

155

156 So let me address some of the sentiment that is apparently brewing: There is suggestion that the Council  
157 is in the so-called back pocket of the developers. Personally, I have never met the developers or even  
158 know their names. And the Council recently authorized that the developers be approached by the town to  
159 see if they would be willing to accept a cash offer from the town to buy the land which would in effect  
160 stop the development.

161

162 There is also suggestion that the Council is interfering in the election. Here's a fact: We had a massive  
163 winter storm that resulted in the two moderators postponing the election. Had that not happened, this  
164 matter would have taken place entirely after the election was concluded. We are now in the possession of  
165 important information that has potential implications to the proper execution of Planning Board members'  
166 responsibilities. We are here tonight without prejudging the issue. We are here to investigate as our rules  
167 and laws require us to. And to hopefully put this matter to rest. I am here with an open mind and I hope  
168 you are too.

169

170 End of statement.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

## PUBLIC HEARING

171  
172  
173 Motion to open Public Hearing made by Councilor Green and second by Councilor Butler. Chair votes  
174 5-0-0.  
175  
176 Chairman Farrell introduced Public Hearing on the sale of town-owned property at 68 Hall Rd. to Mr.  
177 Jim Taylor. This is the second public hearing.  
178  
179 Chairman Farrell asked Town Manager Smith if there had been any further developments on this. Town  
180 Manager Smith did announce that another inquiry had been received, the information was included in  
181 the Council's packet. Town Manager Smith mentioned that the newly interested buyer was interested and  
182 then asked if Mr. Taylor would like to speak on the subject.  
183  
184 Jim Taylor 11 McIntosh Drive. Mr. Taylor stated that when trying to get title insurance he was told by  
185 Ken Gould at Patriot Title that he was not able to get title insurance over a tax taking. The best Mr. Gould  
186 could do was issue title insurance with the exception that it will not cover any claims under NH statutes  
187 regarding tax statements. It was explained that they could receive title insurance until 10 years after the  
188 tax taking, there are about 7 years left. Mr. Taylor received this information today and mentioned he is  
189 willing to take the chance but wanted to think about it.  
190  
191 Councilor Green asked if he was withdrawing from the process? Mr. Taylor stated he was not  
192 withdrawing he was just nervous.  
193  
194 Dan Bouchard 8 O'Connell Drive. Mr. Bouchard referred to the process other communities have when  
195 a town takes over a property. He used Derry and Troy as examples, both of those towns auction off these  
196 types of properties. Mr. Bouchard stated that he wants the town to make the most money they can off the  
197 property and he is willing to pay more. The price it is advertised at is a very good deal and he is willing  
198 to take a chance on the property. He suggested holding an auction and believes other people would be  
199 interested as he received calls from 2 other people who also had an interest.  
200  
201 Town Manager Kevin Smith stated that the town can auction off property if it wanted to and stated the  
202 town has done auctions in the past. He mentioned that it had only been 3 years since the town took the  
203 property on Hall Road and Mr. Taylor approached the town. He also stated the reason the town holds 4  
204 public hearings is so other people, like Mr. Bouchard, have the opportunity to show interest. Town  
205 Manager Smith said it was up to the Council as to how to proceed.  
206  
207 Councilor Green stated he would like to give it more time. He'd like to publicize and put an end date.  
208  
209 Councilor Dolan offered another option would be to have a sealed bid process. Given a final date the  
210 sealed bids would be open in public and the highest bid wins the property.  
211

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

212 Chairman Farrell suggested “RFP” and Town Council agreed.  
213

214 Chairman Farrell introduced a resolution relative to re-naming of portion of Garden Lane. This is the  
215 second public hearing. The first reading was on March 6<sup>th</sup>. This is the part of Garden Lane that is part of  
216 the conditionally approved Woodmont Commons to re-name it to Michaels Way in honor of John  
217 Michaels who served this community for so many years.  
218

219 Councilor Green asked if there were any concerned residents. Jon Vogl stated that they sent out letters to  
220 all of the abutters there was no opposition from anyone. He informed everyone that they were renaming  
221 just a portion of the road, from Rte. 102 to the first entrance of Market Basket.  
222

223 Motion to approve Resolution #2017-01 Councilor Green First. Vice Chair Freda Second.  
224

225 Councilor Dolan recognized that John Michael’s widow was present at the meeting. He expressed his  
226 condolences for her husband, John and hope this road memorializes his memory and service.  
227

228 Council votes 5-0-0. Motion approved. Chairman Farrell thanked Nancy (John’s wife).  
229

230 Motion to close the public hearing made by Councilor Green. Vice Chair Freda second. Council approves  
231 5-0-0.  
232

### **OLD BUSINESS**

234 None.  
235

### **NEW BUSINESS**

237  
238 Councilor Joe Green steps down after asking to be removed from the inquiry. Chairman Farrell begins with  
239 a statement that for the third time publicly, the Town Council would like to announce that it is opposed to  
240 the multi-family housing unit being discussed with the Planning Department and for the second time, will  
241 confirm that the developer asked to meet with the Town Council and the Chair expressed the desire for the  
242 Conservation Commission to purchase the land. They bought the land for \$750,000 and the town had \$1.7  
243 million in the open space account. The developer was reminded that the Council felt it was the wrong place  
244 and location for the project. Chairman Farrell also noted that they strongly disagreed with the traffic studies  
245 done on the road. In accordance with state laws, the Council cannot have any say in what the planning  
246 board does, they can only offer their point of view.  
247

248 In regards to section 3.14 of the Town Charter, Town Council inquiry into allegation of improper behavior  
249 of Planning Board Members. The Town Council is greatly disheartened that they have been presented with  
250 these unfortunate set of circumstances and the timing. We are required to follow the Town Charter, State  
251 law and the NH Constitution in accordance with our sworn oaths of office. The most difficult thing is not  
252 doing something when you are presented with something, we did not have a choice to do nothing. Chairman

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

253 Farrell turned the proceedings over to Vice Chairman Tom Freda. Vice Chair Freda invited Mr. Combes,  
254 Mr. Sypek and Mr. Sypek's attorney were given the option to sit at the microphone or to sit in the audience.  
255 Both Mr. Sypek and Mr. Combes took a seat at the microphone. The Town of Londonderry attorney, Mike  
256 Ramsdell was given the option of handling the inquiry and he suggested Vice Chairman Freda continue on.

257  
258 Vice Chair Freda explained that the reason for the inquiry was a concern that Mr. Sypek brought to  
259 Chairman Rugg of the Planning Board. Mr. Sypek stated "negative" when he was asked if he agreed with  
260 Vice Chairman Freda's statement. Vice Chair Freda asked Mr. Sypek if he had spoken with Mr. Rugg  
261 regarding the votes on March 8, 2017. Mr. Sypek said he called Mr. Rugg the next day, because as Chair,  
262 he felt he needed to explain to Mr. Rugg why he had changed his vote. During Mr. Sypek's hour long  
263 conversation with Mr. Rugg, he mentioned that after the meeting, Ted (Mr. Combes), himself and a couple  
264 of other people had gone outside. Some off hand remarks were made. Mr. Sypek said, "Ted said, I probably  
265 got 600 votes and he looked at me and said you probably got 600 votes, too, for changing your vote." At  
266 that point Mr. Sypek recalls not saying anything because he considered it an off-hand remark, it had no  
267 merit. At no time did Mr. Combes tell me he voted one way to get votes. Mr. Sypek stated that he did not  
268 change his vote from a "No" vote to a "Yes" vote to get votes and he wanted Art Rugg to know why he  
269 changed his vote. Mr. Sypek offered to share his reason for changing his vote. Vice Chairman Freda  
270 declined for the moment but Mr. Sypek felt this was a good time to share... Mr. Sypek shared that there  
271 was a tie vote. They had 65 days to render a decision, and there had been no request by the applicant to  
272 extend that decision. Mr. Sypek felt as though the Board had to make a decision. The vote was tied 3-3 and  
273 John stood up and suggested a re-vote. Mr. Sypek the dilemma was that he did not believe that anyone who  
274 voted "no" was going to change their mind. He felt that their needed to be a vote of record so he changed  
275 his vote.

276  
277 Vice Chairman Freda asked Mr. Sypek to explain why his original vote was a "yes" vote. Mr. Sypek said  
278 he took an oath and the developers had met all of the requirements so he had to vote "yes" Vice Chairman  
279 Freda interjected that even though Mr. Sypek was personally against the development, he voted "yes." He  
280 changed to "no" so they would not still be sitting in those chairs with a 3-3 tie. Someone had to change.  
281 Mr. Sypek stated that he never spoke of his decision to change his vote prior to changing it, he just made  
282 the decision based on a stale mate vote at the meeting. Mr. Sypek said that there was no guidance about  
283 what to do in case of a tie vote. All he knew was that the day of the meeting was the deadline for making a  
284 decision.

285  
286 Vice Chairman Freda asked Mr. Sypek if he recalled what an audience member shouted out after the vote.  
287 Mr. Sypek says he did not pay attention or recall "Shame" being shouted out after his original vote of "yes."  
288 Mr. Sypek stated that he did not take any public comments into consideration at all when making his vote.  
289 He also stated that he didn't really care much for the applause after the re-vote and confirmed that he never  
290 makes decisions based on personal feelings.

291  
292 Vice Chairman Freda asked Mr. Sypek if he recalled a phone call he had with Town Attorney Mike  
293 Ramsdell on March 15<sup>th</sup>, Mr. Sypek did not recall. Mr. Sypek then stated he remembers talking to Mr.  
294 Ramsdell on Friday at which point he was asked specifically if Mr. Combes made any remarks about why  
295 he voted or did Mr. Sypek hear any remarks about why Mr. Combes voted "no". Mr. Sypek stated that no  
296 one on the board discussed why they voted the way they did. When asked by Vice Chairman Freda if when



## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

297 referring to Mr. Combes that his “no” vote just got him 600 votes, he reminded the Council that it was just  
298 an offhand comment made in the parking lot after the meeting was over. Vice Chairman Freda asked Mr.  
299 Sypek again about stating to Mr. Ramsdell that it was Mr. Sypek’s impression that Mr. Combes had voted  
300 “no” because it would earn him extra votes in the upcoming Town Council elections. Mr. Sypek had no  
301 recollection of this.

302  
303 Mr. Sypek was asked if he made a video through One Voice At a Time and if so, what did he say about the  
304 upcoming McGregor Cut vote? Mr. Sypek had no idea and was reminded that he said he had to vote “yes”  
305 because the developer had dotted all of their I’s and crossed all their T’s. Mr. Sypek agreed that this was  
306 consistent with his original vote. Mr. Sypek also agreed that he voted “yes” originally because he had to  
307 follow the law and under the law, the ordinance that they applied under, they were qualified to have this  
308 ordinance approved. Mr. Sypek stated that the Board all knew this.

309  
310 Mr. Sypek argued that he had no advice. He took his best shot. He agreed that he violated his oath and  
311 changed his vote for all of the reasons he stated. He wanted the Board to have a legal vote and a decision  
312 had to be made that night. No advice was given, no one told the Board what a tie meant. Mr. Sypek stated  
313 that he took one for team and changed his mind.

314  
315 Vice Chairman Freda asked whether or not he asked Mr. Ramsdell if there could be a tie vote. Mr. Sypek  
316 did not.

317  
318 Vice Chairman Freda addressed Mr. Combes and asked him if he had a conversation with Mr. Ramsdell.  
319 Mr. Combes stated he did. It was a phone conversation. Regarding the statement that Mr. Sypek said Mr.  
320 Combes earned 600 votes because he voted “no,” Mr. Combes did not remember saying that. Mr. Combes  
321 remembers saying to Mr. Sypek that with Mr. Sypek’s change in vote, he would be more popular and may  
322 have earned some more votes for the Town Council. Mr. Combes agreed that he did not really recall the  
323 conversation with Mr. Sypek when asked about it, as it was a week or so later. Mr. Combes was reminded  
324 that he said, “if he did say it, it was a joke, I didn’t really mean it.” Mr. Combes believed he said it was an  
325 off-hand comment and not a joke and perhaps Mr. Ramsdell wrote his quote down wrong. Vice Chairman  
326 Freda asked Mr. Combes if he called Mr. Ramsdell back later that day and he agreed that he did. Mr.  
327 Combes told Mr. Ramsdell that he remembered that he did have a conversation outside with Mr. Sypek  
328 and he said, “With your change of vote, you just got more popular and earned yourself votes for Town  
329 Council.” Mr. Combes was asked if he recalled telling Mr. Sypek that he had appeased people by changing  
330 his vote. He said he did but felt that by the applause in the room, Chairman Farrell and Councilor Butler  
331 would agree that it was pretty clear.

332  
333 Vice Chairman Freda asked in regards to his original vote, Mr. Combes felt as though the developer had  
334 done all they needed to do to get the permit. Mr. Combes agreed. Mr. Combes was then reminded that he  
335 had previously stated that he wanted this to be fought and if the proof was on video then he must have said  
336 it. Mr. Combes was asked by Vice Chairman Freda if he also made a One Voice Campaign Video and what  
337 was said on it about the McGregor Cut. Mr. Combes stated that there were some transportation issues that  
338 the Planning Board should look at. Vice Chairman Freda then asked whether or not Mr. Combes had stated,  
339 in the video, that the ordinance under which the developer applied under had met all the criteria for approval  
340 and that Mr. Combes would have to vote for that. Vice Chairman Freda offered to share the video so Mr.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

341 Combes could be reminded of his statements. Mr. Combes declined. Mr. Combes then suggested that the  
342 Council speak with Ms. Chiampa and Mr. Butler who both voted “no” as well. They will not be spoken to  
343 as they are not on the record for this inquiry and Mr. Combes reminded the Council that he did not change  
344 his vote. Mr. Combes was reminded that he stated the town was lucky that the developer had conceded and  
345 would put in a right hand turn lane, at this time Mr. Combes stated he voted “no” due to the traffic concerns.  
346 Despite all professional evaluations, the final decision of the Board was that there were traffic safety issues.

347  
348 Chairman Farrell added that Mr. Combes may be unaware of some of the information that Mr. Butler  
349 presented about additional traffic questions brought forward by new members from the police department.

350

351 Chairman Farrell asked Mr. Sypek and Mr. Combes if they had any questions.

352

353 Councilor Dolan asked if the Planning Board was unaware that a tie vote is a non-pass. Mr. Sypek said he  
354 was not and no one offered guidance. Mr. Combes agreed that he was unaware of that as well.

355

356 Vice Chairman Freda confirmed with Mr. Sypek that he called Mr. Rugg just to talk about things and that  
357 he happened to mention the conversation with Mr. Combes. Mr. Sypek confirmed this and stated that Mr.  
358 Rugg had no concerns at the time. Mr. Sypek stated that if someone had told him what a tie vote was, he  
359 would have done nothing.

360

361 Chairman Farrell offered that something he struggles with as a Town Councilor, no matter where he is in  
362 town, he must always be aware of what he says in public, everything has consequences. He reminded both  
363 Mr. Sypek and Mr. Combes that the circumstances and timing were unfortunate. Mr. Sypek stated that he  
364 understands and has no issue with the Council requiring an inquiry.

365

366 Vice Chairman Freda asked both men how the public knows they can trust them. Mr. Sypek was insulted  
367 and stated it was not his preference to vote “no,” which reflects his earlier “yes” vote. He then asked for  
368 better education in what a tie vote means.

369

370 Councilor Dolan made the suggestion that members of Boards/Councils are required to excuse themselves  
371 from the vote if they cannot make a vote based on what is presented without having some conflict. What  
372 was presented to this Council for this investigation was that there may have been votes taken that weren't  
373 based on the facts of the case they were based on getting something in return. In this case, several hundred  
374 votes in the election, which would be improper.

375

376 Chairman Farrell asked if Mr. Sypek and Mr. Combes if they were aware that they had an ordinance with  
377 the town codes of ethics. Both men responded yes. They both agreed to having read it when they were  
378 sworn in. Chairman Farrell said he wanted to be fair and not conflicted in this but stated that what is being  
379 stated at the inquiry and what said on the phone are not the same thing. He stated that he doesn't believe  
380 that either men meant anything by what was said but the Council was put in a bad position. Mr. Sypek  
381 wanted the record to show that he did not say anything about the vote affecting the election. Chairman  
382 Farrell asked if either man said anything about their vote getting 600 votes in the upcoming election and

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

383 both men said they did not.

384

385 Vice Chairman Freda asked if there was anything else and Mr. Sypek asked for a phone call the next time  
386 that he was accused of something. He would prefer not to read about it in the news. Mr. Combes added that  
387 he agreed and confirmed again that he did not vote the way he did just to get votes.

388

389 At this time, Councilor Dolan recommends that Mr. Ramsdell reviews the investigation with the Planning  
390 Board to discuss if any action should be taken.

391

392 Chairman Farrell stated the town charter does not allow for the Planning Board to make this decision and  
393 in fairness to Mr. Sypek and Mr. Combes, he felt a decision should be made tonight. He did not want either  
394 men to be affected negatively by anything the Town Councilors said.

395

396 Chairman Farrell moved for an RSA-91 A, to hold a non-public meeting to discuss, what, if any actions  
397 would be taken. He did allow for public comments or questions. Attorney Ramsdell made both men aware  
398 that they were entitled to decline the RSA-91 A if they preferred to hear the discussion. Both Mr. Sypek  
399 and Mr. Combes agreed to the non-public.

400

401 Motion to go to a non-public made by Councilor Dolan. Second Councilor Butler. 8:05 PM

402 Motion Approved 4-0-1

403

404 At 8:19, Chairman Farrell, Vice Chairman Freda, Councilors Dolan and Butler, Town Manager Kevin  
405 Smith, Assistant Town Manger Lisa Drabik, Town Attorney Michael Ramsdell and Executive Assistant  
406 returned to Moose Hill Council Chambers. Chairman Farrell asked for everyone to return to their seats and  
407 the Public Hearing was brought back to order.

408

409 Chairman Farrell began by wishing Mr. Sypek and Mr. Combes the best of luck in the March 21<sup>st</sup> elections.  
410 He reminded the men that when serving on a Board, there are responsibilities and words can have  
411 consequences.

412

413 Vice Chairman Freda made a motion to terminate the inquiry based upon the lack of finding a violation of  
414 the ethics ordinance. Councilor Butler Second. Approved 4-0-0

415

416 Chairman Farrell confirmed that the inquiry was terminated and asked if there were any questions. No  
417 questions were asked but Mr. Sypek thanked the Council for doing what they had to do.

418

419

420

421

422

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

## APPROVAL OF MINUTES

423  
424  
425 Approval of Town Council minutes from March 6, 2017 made by Councilor Butler and second by Vice  
426 Chairman Freda. Chair votes 4-0-0.

427  
428 Councilor Joe Green returned to his seat on the Town Council.

429  
430 Town Manager Smith reminded the Chairman Farrell that there were minutes to approve from the  
431 emergency meeting.

432  
433 Motion to Approve the minutes from the emergency meeting held on March 16, 2017 was made by  
434 Councilor Dolan. Second Vice Chairman Freda. Approved 5-0-0

435  
436 Town Manager Kevin Smith made a statement in regard to the notification process. When the Council  
437 decided to hold the emergency meeting, a notification was sent out in the normal way. In this case, we  
438 had 30 minutes to notify the public. It went out on social media and it went out to various press outlets.  
439 He explained the reason no one was individually notified was because no names had been mentioned.  
440 The emergency meeting was called to see whether or not there was authorization to investigate the  
441 allegations. Notification went out the morning after authorization was given. In hindsight, Town  
442 Manager Smith said he realizes that the individuals should have been contacted and he took responsibility  
443 for that.

444  
445 Chairman Farrell asks for no interruptions as there is some shouting and audience comments being said  
446 out loud.

447  
448 Chairman Farrell told the public that if anyone wanted to know where the names came from, it was in the  
449 minutes from the emergency meeting and those are public.

## LIAISON REPORT

None

## BOARD/COMMITTEE APPOINTMENT/RE-APPOINTMENT

None

## TOWN MANAGER REPORT

457  
458  
459 Town Manager Kevin Smith started with the Aviation Museum, which is looking to do a fundraiser on a  
460 date which has not been set. They would like the fundraiser to include a raffle which requires town approval  
461 or permit. According to state law, the permit can be authorized by a designee and Town Manager Smith  
462 requested that the Town Council make him the designee, giving him the authority to make these types of

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

463 approvals.

464

465 Councilor Dolan made a motion to give the Town Manager the authority to approve raffles fundraisers.  
466 Second Vice Chairman Freda. Motion Approved 5-0-0

467

468 Town Manager Smith talked about his committee meeting to plan the 300<sup>th</sup> Anniversary of the Nutfield  
469 Celebration that will be held in 2019 commemorating the towns of Windham, Derry and Londonderry (as  
470 Nutfield). Progress is being made but they are looking for volunteers for various subcommittees. Interested  
471 volunteers should contact the Town Managers office.

472

473 Town Manager Smith's final news shared was about his and the town's executive assistant, Kirby Wade,  
474 gave birth to a beautiful boy yesterday. Charlie Gregory Brown ☺ Mom and baby are doing wonderful.  
475 Dad is elated. Congratulations Kirby!!

476

477

## **ADJOURNMENT**

478

479 Motion to adjourn made by Councilor Dolan. Second Vice Chairman Freda. Motion Approved 5-0-0

480

481 Chairman Farrell reminded everyone that the polls open at 7 AM on March 21, 2017.

482

483 Notes and Tapes by: Stacie Street Date: March 20, 2017

484 Minutes Typed by: Stacie Street Date: March 21/22, 2017

485 Approved by: Town Council Date: Date of next Council meeting

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

1 **March 27, 2017**

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

4  
5 Present: Chairman John Farrell; Councilors Jim Butler, Tom Dolan, Joe Green and Ted Combes; Town  
6 Manager Kevin Smith; Assistant Town Manager Lisa Drabik; Temporary Executive Assistant Stacie  
7 Street;

8  
9 **CALL TO ORDER**

10 Chairman Farrell called the Town Council organizational meeting for 2017-2018 to order at 7:00 PM.

11  
12 **NEW BUSINESS**

13 Chairman Farrell began by welcoming and congratulating newly elected Town Councilor, Ted Combes.

14  
15 Chairman Farrell noted that the list of appointed Town Council Liaisons had been handed out. He asked  
16 if anyone had any objections or changes. No objections or changes were made. The Liaisons stand as  
17 presented.

18  
19 **Town Council Liaisons 2017-2018**

20 **Chairman Dolan:** Merrimack Valley Water, Arts Council, Solid Waste, Planning Board (Alt).

21 **Vice-Chairman Farrell:** School Board, Airport, Old Home Day, Capital Improvement Plan.

22 **Councilor Butler:** Heritage, Planning Board, Traffic Safety, Hazardous Material.

23 **Councilor Green:** Recreation, Senior Affairs, Library, Budget Committee (Alt).

24 **Councilor Combes:** Budget Committee, Master Plan, Zoning Board, Conservation Commission.

25  
26 Chairman Farrell next accepted a motion for a Town Council Vice Chairman. Councilor Tom Dolan  
27 nominated John Farrell. Second Joe Green. Motion Approved 5-0-0.

28  
29 A motion for a Town Council Chairman was made next. Councilor Joe Green nominated Tom Dolan.  
30 Second Jim Butler. Motion Approved 5-0-0.

31  
32 Motion to Adjourn made by Chairman Dolan. Second Ted Combes. Approved 5-0-0.

33  
34 Meeting Adjourned at 7:02 PM.

35  
36 Notes and Tapes by: Stacie Street Date: March 27, 2017

37 Minutes Typed by: Stacie Street Date: March 28, 2017

38 Approved by: Town Council Date: April 3, 2017