

**TOWN COUNCIL MEETING**  
**March 1, 2010**

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

**PRESENT: Town Council: Chairman Mike Brown: Vice Chairperson, Kathy Wagner; Councilors: Sean O’Keefe, Paul DiMarco, Brian Farmer; Town Manager Dave Caron; ATM/Finance Mgr. Sue Hickey; Executive Assistant, Margo Lapietro.**

**CALL TO ORDER – PUBLIC SESSION**

**Chairman Brown opened the meeting at 7:06 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.**

**Scott Benson – Alternate, Planning Board** – Chairman Brown explained the Planning Board had reviewed S. Benson’s application and recommended his appointment as an Alternate on the Planning Board. S. Benson explained his background. Councilor DiMarco thanked him for volunteering and asked him why he was interested in the Planning Board. He replied that Londonderry has a tremendous growth potential and he would like to get involved. Councilor DiMarco asked if anything would prevent him from attending the meetings, he responded no problem. Councilor Farmer asked if he had any conflicts of interest with being involved in the family business at Bensons Hardware. Scott responded no, not in the Town of Londonderry. Chairman Brown asked him if he had either attended a Planning Board meeting or watched one on TV; he responded he has been in Derry before the Planning Board for site plan approval.

**Presentation of Volunteer Awards** – The Councilors presented awards to all the volunteers who had either retired or stepped down from the boards/committees/commissions that they were involved in for the 2009 year. Pollyann Winslow introduced the members of this year’s Leadership Londonderry Class.

Councilor Farmer presented the “Volunteer of the Year” award to Gail Moretti for her work on the Solid Waste Advisory Committee.

Councilor Brown presented the “Citizen of the Year” award to Art Rugg for his many years of service to the Town.

**PUBLIC HEARING**

**Councilor DiMarco made a motion to open the Public Hearing, second Councilor Farmer. Council’s vote 5-0-0.**

48 **Resolution #2010-05 – Relative to Renaming Alamogordo Avenue and Barksdale Avenue –**  
49 Councilor DiMarco read the Resolution and made a motion to accept, second Councilor  
50 O’Keefe. E-911 Coordinator J. Bilodeau said the change came about because of the change to  
51 Eglin Blvd. A home was located on Barksdale but had an address on Eglin and it would cause a  
52 problem. Barksdale and Alamogordo was one continuous street with two different names. They  
53 did have a public meeting with no one appearing. GIS Manager John Vogl said they have a  
54 shorter effective date with these streets so they can be changed uniformly as the mobile home  
55 park changes. Councilor DiMarco clarified that the whole loop shown on the drawing that was  
56 displayed would all be called Barksdale. No public input received. **Council’s vote 5-0-0.**

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58 **Citizen’s Petition on the Definition of Marriage, (2<sup>nd</sup> Petition).** – Town Manager Caron stated  
59 that the second petition received on 2/2/10 requested the petition submitted by Al. Baldasaro be  
60 amended. According to Town Counsel this is not authorized under state law, the petitioners  
61 request is illegal and the Council should not approve it, however to maintain consistency the  
62 Town Council should still hold a public hearing, receive comments and act upon the petition.  
63 Lisa Drabik, 21 King Arthur Dr said she is one of the founding members of “Londonderry.  
64 Protects Equality.” She stated that the petition by Al Baldasaro was vague and misleading. By  
65 framing it as a “right to vote issue” Rep. Baldasaro intentionally confused the issue so that some  
66 people who signed his petition did not realize the petition was about taking away a right that  
67 already exists and regretted their signatures. She explained she got 52 signatures on a petition to  
68 amend the language of his petition. She said that Rep. Baldasaro wanted to restrict the definition  
69 of marriage already on the books in NH. She said she and her group were under the  
70 understanding that petitions could be amended according to Town Charter. After being told that  
71 one citizen’s petition could not amend another they submitted a letter to withdraw their petition.  
72 The group wanted to make it clear that the Council is not rejecting their petition because they  
73 disagree with their position. She said they wanted to educate people of the true nature of the  
74 petition. She said Rep. Baldasaro’s petition was intentionally crafted to confuse residents and  
75 make them think the issue was simply about the right to vote. He has had only one intent and  
76 that was to overturn recently enacted laws permitting same sex marriage. He has introduced or  
77 sponsored legislation in the NH House seeking both repeal of the same sex marriage law as well  
78 as a constitutional amendment to define marriage as between one man and one woman. Both  
79 measures failed by large margins. She proceeded to read the petition. In the future they asked  
80 the Council to make sure any and all ballot initiatives are appropriate and state fairly and clearly  
81 what is at issue so voters can read and understand them. She urged voters to vote no on Article  
82 3. **Councilor DiMarco made a motion to accept the petition, second Councilor O’Keefe.**  
83 **Council’s vote 1-4-0.**

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85 **Councilor DiMarco made a motion to close the Public Hearing, second Councilor Farmer.**  
86 **Council’s vote 5-0-0.**

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88 **PUBLIC COMMENT**

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90 **Presentation of Warrant Articles at the Budgetary Town Meeting** - Town Moderator Cindi  
91 Rice-Conley and Town Clerk/Tax Collector Meg Seymour were in attendance. Chairman Brown  
92 reviewed the assignments of warrant articles to be presented at the budgetary Town Meeting on  
93 3/13/10.

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95 TC/TC Meg Seymour reminded everyone to vote on Tuesday and attend the Budgetary Town  
96 Meeting on Saturday. She also informed everyone that dog registration is now available on-line

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98 Reid Clark, III reminded people to visit the various booths set-up at town meeting.  
99

100 Chairman Brown stated that the Councilors were going to take public comment for junkyards in  
101 this section. He stated that Senior Building Inspector, Richard Canuel recommended no action  
102 on Order 2010-03 for Murray's tonight. He wants to defer until the applicant has been able to  
103 address some issues before the July 1, 2010 deadline.  
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105 Gerry and Claudette Adams 54 Hall Rd. said that throughout the year they have submitted  
106 complaints about Murray's Auto Recycling to Richard Canuel. He said he hoped the owner was  
107 notified of the complaints. He said that the late deliveries are part of the issues this year.  
108 Claudette Adams said if the late deliveries are ignored they will continue unlimited. She said she  
109 wants to know what the DES deficiencies are that were found at the junkyard so they can protect  
110 their own water. G. Adams said some of fencing has come loose. Richard Belinski, Hall Rd.  
111 said he was concerned that there was no public hearing scheduled for this license. It was his  
112 understanding that if there are no violations a public hearing is not required; if there are  
113 violations you are required to have a public hearing under state law. He said he handed the RSA  
114 pertaining to that ruling to a Councilor last year and spoke to three Councilors last year about the  
115 RSA. He proceeded to quote the law under Title XX, Chapter 236, Section 117 & 121. He also  
116 stated that a second business is being run on the property under Dudek Realty, Inc. He stated that  
117 we have to have a Public Hearing because there are deficiencies. He said he gave the paperwork  
118 to a Councilor last year and proceeded to hand them over to the Chairman.  
119

120 **OLD BUSINESS**

121 None.  
122

123 **NEW BUSINESS**

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125 **Order #2010-03 – Relative to the Licensing of a Junkyard pursuant to RSA 236 (Murray's**  
126 **Auto Recycling)** Senior Building Inspector Richard Canuel explained the statute deadline was  
127 changed from 4/1/10 to 7/1/10 this year. All licenses granted last year will remain in effect until  
128 6/30/10. He said the deficiencies identified by the NH Dept. of DES are issues that can easily be  
129 corrected. The berm in the back will be taken care of in the spring. The box trailer is no longer  
130 needed it should not be included in 2010 license. The fencing is maintained and the recent  
131 damage due to this weeks wind storm will be repaired. He said he received 24 incidents this year  
132 of late deliveries noted by Mr. Adams. The operating hours are 8:00 AM-5:00 PM. He said he  
133 did send a notice to Mr. Dudek reminding him that he needs to operate under the conditions of  
134 his license. He said the Council needs to consider if late deliveries are a part of a junkyard  
135 operation. Part of the fencing requirements is that the fencing has a gate and it should be closed  
136 when the junkyard is not operating. If the gates are open after hours they are in operation.  
137 Inspection of the operation was good; he is operating under the Best Management Practices  
138 (BMP). Without those deficiencies Mr. Dudek is in compliance except for the late deliveries.  
139 Councilor O'Keefe asked how late after 5:00 PM were the nuisance calls, R. Canuel responded  
140 they were varied some as late as 7:45PM he received one report that the junkyard was operating  
141 on a Sunday when they were only allowed to be open Monday - Saturday. R. Canuel said he  
142 requested that Mr. Adams take pictures with the time and date noted on the picture so he could  
143 see when the deliveries were happening. Councilor DiMarco asked Town Manager Caron if  
144 Council decided not to act on this Order tonight how would this item be handled. Town  
145 Manager Caron responded the recommendation is to table this Order until the 6/7/10 meeting and

146 if it is determined at that meeting that this may constitute a public nuisance that allows Council  
147 to have a public hearing on the 21<sup>st</sup> which is before the 7/1/10 renewal deadline. Councilor  
148 DiMarco said he read Chapter 236, Section 121 and he interpreted it as saying that we cannot  
149 force a public hearing if the junkyard is 100% in compliance and there is no public nuisance.  
150 Town Manager Caron responded that is correct. If the Council considers it a nuisance they  
151 should have a public hearing. Councilor Farmer asked where the monitoring for the water is  
152 taking place. R. Canuel said it is on the site of the junkyard, and they are monitoring the Adams'  
153 property. They are monitoring both locations. Councilor Farmer suggested installing self-  
154 contained battery operated cameras that can be moved around town to be used for other issues.  
155 It would act as a deterrent. Councilor O'Keefe asked R. Canuel to give the Councilors an outline  
156 of what the violations were and the times of the after business hour violations. Chairman Brown  
157 asked if the deficiencies that DES discovered are available to the public. R. Canuel responded it  
158 is public record and part of the file. Chairman Brown requested that the information be given to  
159 the Adamses. He also questioned why Council has to make the decision about whether or not the  
160 deliveries after hours would be considered junkyard operations. R. Canuel responded the  
161 Council is the one that makes the decision on the license. Chairman Brown said he would prefer  
162 to have a legal opinion before making the decision. Councilor DiMarco said he would like to  
163 know if a legal precedence has already been set. Chairman Brown stated that this is something  
164 to be considered between now and 6/7. R. Canuel said he will discuss the issue with legal  
165 counsel and obtain an opinion. Chairman Brown said this Order will be tabled until the 6/7/10  
166 Council meeting and if it is necessary to have a public hearing it will be on 6/21/10. **Council**  
167 **DiMarco made a motion to table Order 2010-03 to 6/7/10, second Councilor O'Keefe.**  
168 **Council's vote 5-0-0.** At this point in the meeting Mr. Dudek said his dealer plates run out the  
169 end of the month. R. Canuel said under the statute they should remain in effect until 7/1/10. Mr.  
170 Dudek was concerned that the police would ticket him because the stickers on his license plate  
171 expire this month and he would be driving what would appear to be an un-registered vehicle. R.  
172 Canuel suggested that Mr. Dudek contact the state about the stickers on his plates.

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174 **Order #2010-04 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 (S&S**  
175 **Metals)** – R. Canuel said they are operating in compliance of their license. The recent DES  
176 inspection is requiring him to apply for a non-automotive metals permit. This does not affect his  
177 junkyard license. He said he recommends the license be granted. Councilor DiMarco read the  
178 Order and made a **motion to accept, second Councilor O'Keefe. Council's vote 5-0-0.**

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180 **Order #2010-05 – Relative to the Licensing of a Junkyard pursuant to RSA 236 (Hill's**  
181 **Salvage Facility)** – Councilor O'Keefe read the Order and made a **motion to accept, second**  
182 **Councilor DiMarco.** R. Canuel said the inspection was good. Doris and Anthony Iodice, the  
183 owners, run a very low key operation compared to others in town, and he recommends the  
184 license be granted. Councilor Wagner stated that all of the junkyards are working with DES on  
185 BMP and moving toward green technology and are a benefit to town. **Council's vote 5-0-0.**

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187 **Order #2020-06 – Relative to the Licensing of a Junkyard Pursuant to RSA 236**  
188 **(Londonderry Salvage Facility)** Councilor Wagner read the Order and made a **motion to**  
189 **accept, second Councilor DiMarco.** R. Canuel said Mr. Hill has made the most improvements  
190 over the past year than any of the other junkyards, and the state is satisfied with what he has  
191 done. He said he recommends the license be granted. **Council's vote 5-0-0.**

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195 **Resolution #2010-06 – Relative to Awarding a Construction Contract for the North/West**  
196 **Fire Station Project** Councilor Farmer read the Resolution and made a **motion to adopt,**  
197 **second Councilor Wagner.** Town Manager Caron said he met with the Londonderry Fire staff,  
198 architect and Seaver Construction to review the bid which is in compliance. Seaver Construction  
199 had the lowest bid and he recommended that the Council award the bid contingent upon final  
200 project funding approval at the 2010 Town Meeting. **Council’s vote 5-0-0.**

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202 **Confirmation of Administrative Support Coordinator** – Town Manager Caron stated that this  
203 position was restructured to a part-time position of 32 hours per Council’s directive. He said he  
204 received 141 resumes. He and Sue Hickey interviewed 12 candidates and narrowed it down to 3.  
205 Steve Cotton has broad experience in Project Management he has subject matter experience with  
206 being a Trustee of the Trust Fund, website maintenance, facilities management and, grant  
207 writing. **Councilor DiMarco made a motion to appoint Stephen Cotton to the**  
208 **Administrative Support Coordinator position, second Councilor O’Keefe. Council’s vote**  
209 **3-2-0.**

### 210 211 **APPROVAL OF MINUTES**

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213 Minutes of Councils Public Meetings of 02/01/10, 2/04/10 and 2/08/10. Margo Lapietro  
214 informed the Councilors that she heard from Lynne Laval-Yeh who read the draft meeting  
215 minutes on-line and said that she was misquoted. On line 131 it said ....”there is nothing in the  
216 bible to condemn same sex relationships”. It should read .....”there is nothing Jesus says in the  
217 bible....” **Councilor DiMarco made a motion to accept the public meeting minutes of 2/1/10**  
218 **as amended, second Councilor O’Keefe. Council’s vote 4-0-1.**

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220 **Councilor DiMarco made a motion to accept the meeting minutes from 2/4/10 and 2/8/10 as**  
221 **written, second Councilor O’Keefe. Council’s vote 5-0-0.**

### 222 223 **OTHER BUSINESS**

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225 **Liaison Reports** – Councilor O’Keefe said he did not have anything to report. Councilor  
226 Farmer said he got a few e-mails and had conversations from some people about the book  
227 collection box located in the parking lot at Town Hall. He said a lot of people thought it was  
228 associated with the library, it is a for-profit business. It should be following a vendor’s  
229 requirement for a license and should not be doing business on public property. People have  
230 thought the books were being donated to the Library for their re-sell program. Some one else is  
231 getting them and making a profit on them and he felt we should be getting rid of it. Chairman  
232 Brown said he understood it was placed there at the request of the Solid Waste Advisory  
233 Committee for re-cycling purposes. He asked the Town Manager to check it out. Town  
234 Manager Caron said he understood it was placed there to offer citizens a place to drop off the  
235 books besides using the landfill. He said he will review.

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237 Councilor Wagner said she attended the Old Home Day meeting and they are looking for  
238 volunteers for the parade coordinators, both of them have resigned. This year is a political year  
239 so that will present challenges. She said currently Shaw’s and Granite Ridge have donated \$1K  
240 each, Continental Paving and Parkland Medical Center have each donated \$500. Councilor  
241 DiMarco said he couldn’t make the second meeting of the Planning Board this month because he  
242 had a business commitment. The first meeting for this month has been canceled. Chairman  
243 Brown said he has nothing to report.

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**Town Manager Reports** – Town Manager Caron gave an update on the electrical service attributed to the recent wind storm. He said that as of 4:00 PM today PSNH reported that there are still 788 customers without power in Londonderry. He received an e-mail at 8:00PM that most of Londonderry has been restored. There was a line down on Chase Rd and that will be corrected this evening; poles need to be set on Constitution and Capital by Verizon and there is a problem with the underground power on Gordon which will be resolved soon. He will have an update tomorrow, he anticipated at the end of the day tomorrow everything should be up. He instructed citizens to call PSNH if they have no service by tomorrow night. Councilor DiMarco said he was out with the ALERT team, the Fire Department and the Public Works Dept., they were out working all night. Councilor Wagner said the biggest issue was communication; she asked if there was a better way for the town to communicate with PSNH for information. Town Manager Caron responded the communication has been phenomenal compared to the 2008 ice storm. The first 24 hours is assessment on a state-wide level. On days two and three is when they tell us how many crews are coming in and where they are going. Once the issues were remedied in NY State then those crews were released to NH. Councilor Wagner said the Brookview flooding issues are still a problem the people need help. Town Manager Caron explained that flood insurance is available to the residents and the costs are established through National Flood Insurance. You have to have the insurance to be eligible for the federal/state programs. You have to file enough claims over a certain number of years where they do a cost/benefit analysis. One of the homes in that area is eligible to have the structure razed not replaced or purchased. The other 3 units have either not purchased flood insurance or have not submitted claims which would justify the cost/benefit. The one home with the option to be razed has not made a decision on what they want to do. Councilor Wagner asked if the homeowner has received a monetary compensation. Town Manager Caron responded 90% is funded from federal money, 10% is funded by local. The Town in-kind contribution can be applied to that 10%. The other 3 due to the lack of insurance and/or claims have no federal money available so if something is going to happen it will be all local dollars.

**Board/Committee Appointments/Reappointments** - Appointment of Scott Benson as an alternate to the Planning Board, term to expire 12/12. **Councilor O’Keefe made a motion to appoint Scott Benson to the Alternate position on the Planning Board, second Councilor DiMarco. Council’s vote 5-0-0.**

Councilor DiMarco thanked both Councilor Farmer and Wagner for serving on the Council. He said it was a pleasure serving with the both of them. Councilor O’Keefe encouraged everyone to attend Town Meetings on 3/9/10 and on 3/13/10

Town Manager asked if Council will have a meeting after the Town Meeting on Saturday 3/13/10 to elect officers or did they want to wait until the next scheduled meeting on 3/15/10 to elect officers. It was decided to elect officers immediately following the Town Meeting on 3/13/10.

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**ADJOURNMENT**

**Councilor DiMarco made a motion to adjourn at 9:14 PM, second, Councilor O’Keefe.  
Council’s vote -5-0-0.**

**Notes and Tapes by: Margo Lapietro Date: 03/01/10**

**Minutes Typed by: Margo Lapietro Date: 03/03/10**

**Approved; Town Council Date:**

**DRAFT**