

TOWN COUNCIL MEETING
May 06, 2013

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

PRESENT: Chairman, John Farrell; Vice Chairman Tom Dolan; Councilors: Jim Butler; Joe Green; Tom Freda; Acting Town Manager, LPD Chief William R. Hart; Executive Assistant Margo Lapietro; Budget Committee member Ted Coombs.

Call to Order

Chairman Farrell opened the meeting at 7:00PM with the Pledge of Allegiance. This was followed by a moment of silence for Dick Higgins a former Londonderry Planning Board member.

Public Comment

Chairman Farrell read a letter (enclosed) from Jack Falvey addressing the fact that 179 people signed a document indicating their dissatisfaction with the Town implementing the PUD Ordinance for the proposed Woodmont development. J. Falvey said he also sent an e-mail to the Councilors regarding the traffic report for the development and had not received a reply to his e-mail. Chairman Farrell said it is not common for the Council over the last couple of years to respond to e-mails. We have moved to an area of transparency to conduct all business in the Council chambers. He asked the Acting Town Manager to talk to the planning staff about this matter. He also asked Art Rugg who is the Chair of the Planning Board and was in the audience to bring grievances to the Council to understand what the process is without interfering with the Planning Board.

Chairman Farrell also said he received an e-mail from Glen Douglas asking to receive the Council Agenda in Word format so it can be cut and pasted. Chairman Farrell instructed the Acting Town Manager to contact G. Douglas to see about helping him out regarding the RSA.

Chairman Farrell was in receipt of a letter dated 4/2/13 from the Knights of Columbus announcing their annual "Tootsie Roll Drive" which will be held on Saturday, May 19th.

Police Employee Awards - Acting Town Manager/LPD Chief Bill Hart announced that the LPD held an award ceremony tonight prior to the Council Meeting. He was joined tonight by Captains Paul Fulone, Gerald Dussault and Robert Michaud in awarding the Employee of the Year award to Sergeant Adam Dyer and the Citizen of the Year Award to Jason Pinault. Chief Hart introduced a new officer, Raphael Revario, to Council. He also commended Sergeant Patrick Cheetham for his role in organizing the awards ceremony.

Chairman Farrell announced the search for a Town Manager has come down to 7 candidates and they are moving along with the process to hire someone by July 1st.

Councilor Dolan commented and gave his personal opinion about the Boston Marathon bombings. He spoke about the mother of the alleged bombers who made the comment that the bombing was a fake attack by the US. He also brought up the point that the family had received thousands of dollars to help them get acclimated in the US when they first moved here. He spoke about State Rep. Stella Trembally's disgusting comments about the victims of the bombing. He said she owes the injured an apology, the citizens of Boston, NH and the US an apology. She should promptly resign. He said his only hope is that the citizens of Auburn who she represents should not appoint her again.

Adams Pond – Kathy Wagner 7 Fiddlers Ridge Rd. was in attendance to bring attention to the fact that due to the Black Brook dam being opened the water level at the Adams Pond has gone down significantly. Open Space purchased the easements to the property on which the pond is located. We used taxpayers dollars for the purchase of the land. She met with Mike Cross the Manager of Mack's to see if we can get a study done on what the cost is to repair the dam. She asked if there is any way we can find a partnership with Mack's since it is a private dam; to work with Mack's to get the studies done to find out what it will take to restore the dam. She admitted that she is an abutter. Senator Sharon Carson provided the Chair of the Town Council with information received from DES and their dam division. One of the items she supplied was the inspection report data sheet that outlines what the problems are. The state explains what needs to happen. She said she will check with NHDES to see if there is any funding available to fix the pond. Senator Carson said we have an opportunity to rectify the situation, what does the Council want her to do. Chairman Farrell passed the report to the Acting Town Manager and asked him to share the report with the Public Works Director to see if anything can be done. K. Wagner asked if this is the property owner's problem or is it ours. Councilor Freda responded it depends on what the easement says. We have constantly heard from the Conservation Commission that the stewardship is maintained by the owner of the property. K. Wagner asked how are we going to take care of Open Space. Councilor Freda asked what caused the loss of the water, K. Wagner responded the state had the dam removed. Councilor Butler talked to Mike Cross; it was his understanding that the pond was drained due to issues listed in the report. The state did not request the pond be drained; it was drained for maintenance. He said it was his understanding that when the dam was built there were calculations done; now there have been new calculations done and the dam has to be opened up wider. He said there was nothing in the report saying the dam was damaged, the issue was just an overflow problem. Sen. Carson responded that was correct. Councilor Butler asked Senator Carson to ask the state to put back the boards, raise the dam. Let's talk to Mack's and when they know there is a storm coming then they can remove the boards to release some of the water. His concern is that the pond is going to stay in its present condition which will wreck the eco-system. Senator Carson said she talked to Jim Gallagher in the dam division, they sent a person out who talked to M. Cross and they are now allowed to raise the water level 3-4 feet. K. Wagner said it is not up to the banks. Their concern is if the dam breaks, Adams Rd will be washed out. Public Works Director, Janusz Czyzowski explained that during recent floods he was concerned that the dam was overflowing through the woods. Mike Cross put in a lot of material to prevent flooding but it is a private dam and we don't inspect them. Sen. Carson said she can contact Mr. Gallagher and see if he will be willing to come out look and talk to Janusz and walk the property. K. Wagner asked if we have the means to do the study and fix the dam. Councilor Freda said there is \$1M in the Conservation Fund. He said he is not interested in acquiring any land; this is a perfect example of what we are not doing. The source of the money should come from the Conservation Fund and not the taxpayers. K. Wagner said she talked to Deb Lievens, the Chair of the Conservation

Commission to see if their funds legally can be used for this purpose. D. Lievens said she is not sure. Councilor Dolan suggested getting the town attorney's input into what sources of funds are available to us. He said we should ask the Acting Town Manager to pursue that. Chairman Farrell said in the past the town attorney did render an opinion. We have a new attorney, opinions vary, we should have him research it again. Councilor Freda said one of the fundamental principles of law is if you own something you have the right to do with it what you want. Since the town owns it we should maintain it. We are in partnership with someone we may not want to be in partnership with when we buy an easement. He said you could have achieved the same result buying the land and leasing it back to Mack's for \$1.00 a year in perpetuity. He would have gotten the same thing and we would have controlled it. Now we have a legal fight of who is going to pay for this. K. Wagner asked if we can use current change of use money for this. Chairman Farrell analyzed the situation; the request is we want to arrange at least 2 meetings. We want the town engineer to look at the report and take staff to look at the dam. Then arrange a meeting with Mr. Gallagher at the site to find out what the next steps are. Then find out what does it cost and how do we do it. Councilor Dolan said we need complete information. We have not received any input from the landowner as to whether or not he wants the dam repaired, that is an issue. If we are going on private property to spend taxpayer money, doesn't the landowner have to weigh in on it? There are issues that are needed to be done before we start anything. Perhaps the state will allow us to raise the level of the water while we are going through this process to preserve the eco-system. We are looking for a temporary solution to give us back the pond. Deb Lievens, Chair of the Conservation Commission clarified that this is one of the first projects handled by the former Town Manager Richard Plante. The Conservation Commission had no involvement with the process other than being the shareholder. She explained that they have multiple conservation properties some were purchased outright. They are active stewards on those properties. They purchased easements on some properties for recreational purposes and they periodically check in on them. Agricultural easements are different; they are developmental rights. Conservation purchases the development rights which mean that the owner cannot build houses, buildings or offices on the property. The owner will maintain the property in an agricultural or natural way. They are responsible for the property that is how all agricultural easements are maintained. She said she spoke to Mike Cross years ago they hadn't separated out the concept of bond money versus stewardship kinds of money. We did not think at that time that we had the option to use the Open Space money. We have had a legal opinion since then and we are using money for different kinds of stewardship. We still don't know if they can use town taxpayer money even though it is current use. It is a legal situation. We are not there to maintain buildings, structures, etc. on the land we own with the land owners. Councilor Green asked how can the state go in and destroy the environment. D. Lievens said we are in a constant flux with nature and it totally changes the environment. The consensus of the Council is to direct the Acting Town Manager to direct the Town Engineer to work with the property owner and the state to work on a plan that should come back to Council. Councilor Dolan requested that we work with the state to maintain the pond to its previous level so we can work through this issue. Sen. Carson said she will check with the state for that and to see if we can get funding. The Acting Town Manager will talk to the town attorney about the monies for funding a report. K. Wagner said she wants to clean it up before filling the pond back up. Councilor Butler suggested working with Beautify Londonderry. Anne Chiampa, 28 Wedgewood, said she was surprised that there was a lot of bashing of state employees. She also said she was surprised that neither Andy Mack nor Mike Frost were in attendance tonight. She pointed out that K. Wagner also advocates for Andy Mack and Sen. Carson through her business the Londonderry Commerce and Visitor Center. A. Chiampa stated that we don't own the

property; we don't have to maintain or fix it. The Londonderry Trailways have taken on the responsibility of maintaining the trails; the NH Bureau of Trails funded the bridge construction and the mapping on the land. She said she was at the dam site on Friday; the boards were off the dam and the water was going under it. She was there again on Sunday and the water flowed over the top with no boards. The water is still running, the water level is lowered, it is not dry. She said she has pictures of it. Councilor Green said that the state said the dam was dangerous. She asked is it dangerous in the state it is in; did removing the boards remove the problem? Is there some major problem with the dam itself as it stands now without the boards there now? It is not the town's responsibility to fix it, what we have been hearing is hearsay. She agreed with Councilor Freda that we did not buy the land; we bought an easement. We don't own the land or the pond. Councilor Freda responded we have a right to use it. Councilor Freda pointed out that you can negotiate what the terms are and who has to maintain it, it is in the deed. A. Chiampa said she is surprised we don't have that paperwork here. It is private property and the taxpayers should be consulted as well as the Conservation Commission since it is taxpayer funds. All information should be researched.

Mary Soares, 2 Gail Road said she was upset that the agendas were not up to date on the website. Councilor Butler suggested posting the draft agendas a day earlier. Chairman Farrell said the goal is to have the agenda up on Friday morning. Mary Soares brought up the point that the agenda should be updated under the Town Council tab. M. Lapietro said the Agenda was listed in three places on the Town website and proceeded to point out where they were located. Chairman Farrell said to make the records show that the Agenda was posted on the Town website on 5/3/13.

GIS Update – GIS Manager/Planner John Vogl was in attendance to update the Councilors. – He mentioned that the GIS program in the past couple of weeks had worked with Assessing, Public Works, Trailways, Cemeteries, Planning. There are three programs presently under way. We are wrapping up a contract with Camp Dresser and McKee that involves re-building the towns map tools web site. That site is out of date and the new site has the latest software. It will be Mac friendly unlike the previous one. We have a new pictometry contract which has a new aerial service and captures images from an oblique angle which allows us to see all sides of a building. The resolution is superb and is beneficial to emergency services. We will have a project tracking system which will be in use by the Planning Department. He explained they have been working out of the 2004-2005 appropriations, and are looking for \$32K from the CIP funding to keep this project going. Councilor Green asked when will the maps be updated. J. Vogl responded he keeps the parcels updated daily; the release to the public is generally updated yearly on 4/15 to correspond to the assessing calendar. The pictures will be updated about every 3-5 years. Acting Town Manager/LPD Chief Hart said they are looking for guidance from the Council for the program. Should we continue our efforts in this regard? The consensus was to support the program.

Arnett Development Group - Acting Town Manager/LPD Chief Hart explained the Planning Department went through different ideas on ways to get better value for Economic Development. They were looking for a firm with a high level of expertise with regard to municipal, state and federal regulations for grants. They needed someone who was familiar with business development, retention, concepts of municipal planning. They came up with the idea to turn the development piece into a contracted piece. They put out a RFP and Stu Arnette of the Arnett Development Group was chosen. This contract will provide value for services and allow for

expansion and contraction as needed. Roger Hawk was also in attendance and works along with Arnette. This contract allows the community to engage in specialized services when and where they are needed. It will allow us to gear up for bigger projects and gear down. It is a great time to insure quality control on the planning side. Councilor Dolan said the new Governor is committed to getting I-93 finished and Exit 4-a started. When asked about Pettengill Road she didn't know anything about it. He wants to organize the various stakeholders; the Director of the Airport, the City of Manchester, landowners and the Town of Londonderry together and get in front of her to make sure she helps with the important development on Pettengill Road. S. Arnett said the first thing is he should have the facts together and make sure everyone is working together. Councilor Freda explained the private owners on Pettengill don't want to pay \$13M. Taxpayers don't want to put up \$13M. The potential businesses that want to come to Pettengill Road don't want to put up the \$13M. How will it happen given those parameters? S. Arnett responded it is important to know what we are talking about. When they get up to speed more there are tools to make that happen but people have to be in sync to make it happen. They have to be more knowledgeable. He said they are working with another town on something similar. To make it work everybody has to see enough of a benefit for each. Councilor Green said he didn't think this was the direction we were going in – he thought it was more a “pay as we go” situation. He said this was a surprise to him and he doesn't like to be surprised. He said he would have liked Cynthia May to be in attendance to explain. Acting Town Manager/LPD Chief Hart said they wanted a firm that would have a stake in the projects; they wanted someone who could work on longer term projects. They also wanted someone to have ample time to review. This is government not the private sector; we can't have a pure commission base system. Councilor Green asked what is \$42K a year going to buy us. Acting Town Manager/LPD Chief Hart responded the addendums are not attached to the contract. They include addendums A, B and C. They include work on Woodmont, business retention goals and objectives, working with community organizations and working with the stake holders on the Pettengill Road project. Attachments A & B lists specifically what they will do. He explained that this contract is a great value for the taxpayers. We used to pay \$150K for this, we are starting out at less than a third of the cost. Councilor Green asked for the addendums to be forward to the Councilors. Councilor Butler said a real important item is missing, the addendums and he does not feel comfortable moving forward until he can actually see them before he votes tonight. Chairman Farrell proceeded to check his e-mails to see if he had them. Councilor Green said he wants to be able to tell the taxpayers what they are getting for \$42K. Councilor Green asked S. Arnette what other towns has he worked with. S. Arnette responded Chester, Rindge, Wolfeboro, Exeter and Derry. The Chairman passed the gavel to Vice Chairman Dolan at 8:40PM so he could continue looking for the addendums. Discussion continued about Pettengill Road and the importance that the state be aware of it. **Vice Chairman Dolan made a motion to continue this discussion at the next meeting, second Councilor Butler.** Chairman Farrell said the expectation is to know Pettengill Road very well. He explained that for 10 years we have been doing everything we were supposed to do to get this project going. Acting Town Manager/LPD Chief stated that the fault lies with him, he did not review this contract in the proper manner that he should have. The addendums should have been included. He stated that his goal since he took this job on June 14 last year has to be utterly transparent, he sincerely apologized for this waste of time and to Councilor Green for surprising him, it will not happen again. Vice Chairman Dolan invited Mr. Arnette to come back after they have reviewed the complete contract. Councilor Green requested the presence of Cynthia May at the next meeting. The gavel was given back to Chairman Farrell at 8:40PM.

Martin Srugis, 17 Wimbledon Drive talked about Open Space and passed out a copy of his letter (copy attached). He said he asked the Conservation Commission what was the status of Open Space Task Force whose report was adopted on 7/7/11. He said he was told nothing has been done. He asked that the Council include this as one of their goals and make it a priority in their Goals and Objectives. He also stated that at the last Conservation Commission meeting it was revealed that they are considering purchasing land along High Range Road that is of medium value not high value land as identified in the Open Space Task Force Report. He suggested putting this purchase on hold until the town gets a stewardship plan developed as recommended in the Open Space Task Force Report. He said he wants to see the implementation of the recommendations of the Open Space, and would like to see a more formal plan of stewardship so the taxpayers know what they are getting.

Glenn Douglas, 6 Overlook Ave. said in the packet there is a signed contract for the Arnette Group and a \$5K retainer fee that seems to be already paid. He asked if it is signed and done. Acting Town Manager/LPD Chief responded it is signed by the Acting Town Manager but it has to be approved by Council. The \$5K has been paid to get us off the ground. G. Douglas said he heard tonight that the Council does not respond to e-mails for the last couple of years. He quoted a memo dated 4/2/12 written by Chairman Farrell regarding communications to include e-mails. He told the Council that last year he was out of state and sent 4-5 e-mails to the entire Council and never got a response. He said if you are not going to answer e-mails you should update the website saying they don't respond to e-mails. He said this is the first time he heard the Council say they won't respond to e-mails. If you have to come here to ask questions it doesn't work when you are 1,200 miles away. Councilor Dolan said what he observed with edits and the added emphasis on RSA 91a what used to be a common occurrence. It is interpreted by some that the conversations were private, and out of the public and we were not being transparent. It was walking a fine line with the Right to Know Laws. He observed from the current chairman is that when an e-mail comes in if he considers it important he answers it. Two e-mails were answered today in public. In an effort to provide to maintain this transparency and provide responses publicly as opposed to privately this concept of operation has evolved. When an issue comes up, they can't have a conversation via e-mail between them because it is not public, an e-mail is private. It is difficult for the Councilors to engage in a private discussions about public policy while adhering to the Right to Know law. We have shut down a lot of e-mail interchanges with each other because it looks like we are deliberating out of the public eye. G. Douglas said we should put an auto reply in our e-mails that they will not be responding and it will be addressed in public. He asked how anyone will know. Chairman Farrell explained that a Councilor was embarrassed for no reason by the press. He said we will operate as transparent as possible, he will answer every e-mail that is possible to respond to. He said every e-mail he received from G. Douglas was addressed. He said he will address them within the guidelines of RSA 91. G. Douglas brought up the fact that the anonymous comments are not coming from his blog they are coming from the blog supported by the Town of Londonderry and paid for by the Town of Londonderry. G. Douglas said the blog is the visitlondonderry.com. Acting Town Manager/LPD Chief Hart stated that we are a member and do pay dues. G. Douglas said he has heard of phone calls, meetings, special meetings and all kinds of stuff. Chairman Farrell suggested he contact the Attorney General. G. Douglas said he is not accusing anyone of anything illegal. He asked the Chairman to put something in writing that they will not respond to e-mails. Chairman Farrell responded under the guidelines of the law we will respond the best we can within 24 hours.

Public Hearing

Councilor Dolan made a motion to open the Public Hearing, second Councilor Freda. Councils vote 5-0-0.

Ordinance #2013-03 – Amendment to the Municipal Code, Title IV, Chapter V, Solid Waste Recycling - Councilor Green read the second reading/public hearing and **made a motion to adopt, second Councilor Dolan** . Open for discussion. Marty Srugis, 17 Wimbledon Dr. brought up the question of when the Woodmont development starts generating solid waste will the flow and the subsequent fees be borne by the heavy user or all the sewer tax people. Councilor Dolan said it is a good question but it does not address this Ordinance. **Councils vote 5-0-0.**

Councilor Dolan made a motion to close the Public Hearing, second Councilor Green. Councils vote 5-0-0.

Old Business

Town Council 2013 Goals and Objectives – Chairman Farrell asked to put this off until the next meeting

NEW BUSINESS

Town Council Summer Meeting Schedule – The new summer schedule is as follows:

June 3; June 17, July 15, August 19, September 9 and September 23.

Order #2013-16 – Expenditure of Maintenance Trust Funds for Various Projects – Councilor Freda read the first reading and made a **motion to adopt, second Councilor Dolan**. Open for discussion. Councilor Green complemented Steve Cotton on his back-up data for this Order. Councilor Butler asked if the work has been completed at the Senior Center. Acting Town Manager/LPD Chief responded it has been completed. He said the Council wanted to put a plan in place to keep updating the center. He and S. Cotton have installed a 2-3 year maintenance plan to re-hab the building. **Councils vote 5-0-0.**

Ordinance #2013-17 – Expend Capital Vehicle Changeover and Special Revenue Funds for the Londonderry Police Department – **Withdrawn until the next meeting.**

Order #2012-20a – The Distribution of Fire Equipment and Apparatus Capital Reserve Funds – Councilor Dolan asked M. Lapietro if the Order number was correct, we are amending the Order, she responded that was correct. Acting Fire Chief Darren O’Brien explained they sent out a RFP to 9 different manufacturers to replace a fire engine at South Station and they got 2 proposals back. The truck committee went through the bids and eliminated one manufacturer because their bid did not meet the specifications of the bid. He is requesting that they enter into a contract with Pierce Manufacturing for \$509,299.00 for the purchase of a fire pump truck to replace a 10 year old truck. Acting Town Manager/LPD Chief Hart explained the reason we amended the

original Order was because the leasing company was agreeable to increasing the lease agreement with a lower rate. Acting Fire Chief O'Brien stated that the two bids were at the fire house if anyone wanted to look at them. Councilor Butler said there looked to be about a \$94K spread between the two quotes. What was the reason why we didn't receive more quotes. Acting Fire Chief O' Brian said he called the manufactures last week and 80% said it was the time frame they needed to put the bid together. Two didn't have the venue to deal with the trade-in. One person just didn't get it. Councilor Freda asked if the truck was the same with both manufacturers. Acting Fire Chief O'Brien said they were completely different one of the items was that they couldn't offer the foam system we need as back-up to MHT. Councilor Butler said he read the letters from the manufacturers who bid on the truck we are expecting next month and he was concerned that the RFP was written in such a way that they couldn't bid on it. D. O'Brien stated that this bid was 7 pages long and was very specific. Councilor Butler said he hopes the next piece of equipment we order is a tanker. Councilor Green said we require 3 bids, wouldn't it be advantageous to them to put the bid off to allow a third bid to be received. Acting Fire Chief O'Brien said we were not contacted to ask for more time and he in fact contacted the vendors to find out why they didn't bid. He recognized the truck committee led by Doug Cardwell for all the time they put into it. They just got back from the final inspection of the one that is expected to be delivered next month and found a number of things that had to be corrected. Councilor Butler said there were 2 trips to the plant with 3 personnel. Those expenses are rolled into the price of the truck and he suggested that they see what they can do about costs. If we are paying people over-time to stand in for them he would like the Chief to take a look at that. Councilor Freda asked for clarification on the Order. Acting Town Manager/LPD Chief Hart explained the leasing company was able to add the cost of this pumper to an existing lease at a lower rate. Councilor Dolan read the first reading and made a **motion to adopt, second Councilor Butler**. Open for discussion. **Councils vote 5-0-0.**

APPROVAL OF MINUTES

Council meeting minutes of 04/15/13 – Councilor Green made a motion to approve, second Councilor Dolan, Councilor Freda abstained because he was not in attendance at that meeting . Council's vote 4-0-1.

OTHER BUSINESS

Liaison Reports – Councilor Freda said the Planning Board meeting for 5/8/13 was changed to 5/22/13.

Councilor Butler said the Heritage Commission was having a special meeting this Thursday to discuss some historic rails and switches they want to have at the Morrison House.

Councilor Green said the Senior Affairs had a meeting and they are very happy about the bathrooms and the fact that we were going to gradually update the building. Library usage is up in circulation and publications. Councilor Butler said he had noticed orange cones at the front stairs of the library. Councilor Green responded he will take care of them.

Town Manager Report – Planning Board Recommendation – Stantec for Planning and Engineering Review Services – Acting Town Manager/LPD Chief Hart said at the last meeting he brought forward that Stantec was recommended by the Planning Board for review services.

Chairman Farrell stated that since the last meeting there has been a letter from Stantec saying that they were not paid \$950K. He asked the Finance Department to find out how much we have paid them and found that over a 5 year period they were paid \$1.2M. Councilor Butler asked if we are getting the rates for this new contract, Chairman Farrell responded no, there were 2 final vendors. Councilor Freda said he voted against the contract because he said he thought our goal was to get multiple contractors. The Planning Board didn't consider price they wanted someone who had value. Chairman Farrell said the question is who the top 2 firms were and what are their engineering costs. Councilor Green questioned if there were not 3 bids, then should it be re-bid again. Councilor Freda said there were 3 bids, one did not meet the requirements. Councilor Dolan said he remembered we rejected the recommendation; we want cost to be part of the decision making process, until we get that we are not comfortable with the recommendation. Acting Town Manager/LPD Chief Hart said the question is who are the firms; what is the cost; and can both firms be used in the mix. Councilor Butler said he wants to know why the third one was eliminated.

Londonderry Fireworks - Acting Town Manager/LPD Chief Hart said the Londonderry Fish & Game had an event where the NH Pyrotechnics Assoc. put on an event for them. As a result of that event both the police and fire department lines were overwhelmed with calls. Manchester, Litchfield and Derry also got complaints. The LPD received over 170 calls/hr. which flooded the ability for the dispatchers to respond to other concerns. He asked the Council how he should proceed. Chairman Farrell asked why this event was allowed and why it went on for 3 hours. Acting Fire Captain Darren O'Brien said he and Fire Marshall Brian Johnson were on site. He explained this organization holds this venue in different towns. It involves Class C fireworks which is what the average public can buy and Class B which ranged in size from 6-12" inch mortars. We have usually one 12" at the finally on Old Home Day and the rest of them are usually 8" Our show lasts maybe 15-25 minutes according to B. Johnson. Acting Fire Chief O'Brien stated that he and B. Johnson inspected the event, they did everything required of them. He and B. Johnson were in attendance during the show. Chairman Farrell asked if he will support this show in the future. Acting Fire Chief O'Brien responded no and he apologized for the inconvenience. They will review the Ordinance. Councilor Green said he got about 15 e-mails saying we had no right to be charging money for the fire department to be there. B. Johnson said under state RSA's as soon as the fireworks are taken out of the delivery vehicle the fire department has to be on site. It does give the fire chief the discretion to decide how much personnel and what type of vehicle to be there. At Old Home Day we have 2 personnel and a forestry truck as well as an engine across the street for a 15 minute show. We charged for 2 personnel which is set by the town and contract with firefighters. Standard is \$150.00/hr. for the fire truck to be there. We did not charge \$150.00/hour because we wanted to be nice to the club. Once they go Class B they have to have the fire personnel present. Chairman Farrell asked if the organization was familiar with the RSA's and B. Johnson responded they were. Councilor Dolan said it caused a disturbance in the community and the entire community was compromised by police and fire not being able to respond to legitimate emergencies by the volume of incoming calls. Councilor Dolan said this is not something we want to continue in this community, he would like to ask the Town Manager to come back to us with a modification of the law to limit this kind of action. Chairman Farrell said we should look at the fees, length of time and come back with a recommendation. B. Johnson said Class C are permissible in Londonderry they just have to adhere to the Noise Ordinance of 10:00PM. Class B has strict requirements that require the Town Manager and the Fire Chief to sign off on it. If it doesn't fit your community they don't have to sign the document and they don't need a reason why. If the town does not sign the

State Fire Marshall's Office will go along with it. Councilor Green said if something of this magnitude is about to happen shouldn't the community be notified? Acting Fire Chief O'Brien said he was told that the company putting on the demonstration notified the abutters, but a lot didn't know about it. B. Johnson said they didn't want a lot of people to know about it because they didn't want them to show up. B. Johnson commended the communications divisions in both departments because no calls were missed, no emergencies were not met. They did an incredible job. Councilor Dolan said the Planning Board notifies abutters by certified mail, there are different options. B. Johnson said what happened was not expected so how can you notify people when you don't know.

Board/Committee Appointments/Reappointments – .
None

ADJOURNMENT

Council will enter into a Non-Public Meeting according to RSA 91-A:3, II (b) at 9:56 PM. Aye Joe Green, Aye Tom Freda, Aye John Farrell, Aye Tom Dolan, Aye Jim Butler. Councils vote 5-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>05/06/13</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>05/10/13</u>
Approved by:	<u>Town Council</u>	Date: <u>05/20/13</u>

Jack Falvey
22 Cortland Drive
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April 24, 2013

John Farrell, Chairman
Londonderry Town Council
268B Mammoth Road
Londonderry, NH 03053.

Dear John:

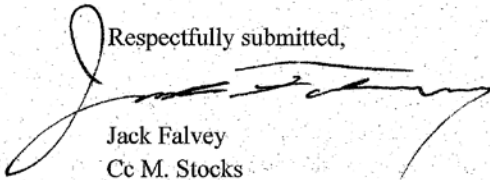
On Thursday night January 12, 2012 I submitted 175 signed documents from Londonderry citizens declaring their dissatisfaction with the Towns implementation of the PUD ordinance in regard to the development being proposed for Woodmont.

It has not been apparent that much of a positive nature has resulted and in fact things have deteriorated considerably in the past year and three months. (Additional dwelling units have been added, increasing density even further to an already over the top cramming of hundreds of units into a smaller and smaller unspecified buildable space!). Last week I sent an email to the town council with an "Et Al" posting from Steve Young's electronic news letter describing in detail the fact that the Woodmont traffic engineer estimated that 40,000 to 50,000 automobile trips would come from the Woodmont development onto existing town roads if the plan is built as now proposed.

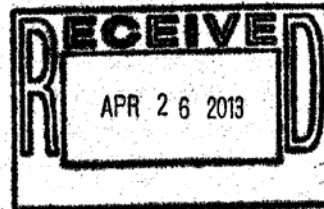
I have received no reply or acknowledged receipt of my email. Attached to the email was an electronic copy of the January 12, 2012 document. A copy of all this went out to our email chain.

In today's surface mail to my home I received two additional signed protests. (Enclosed) I would hope that you would ask our town council to read the text now signed by two more residents and correct the total to 177 signatures.

Respectfully submitted,



Jack Falvey
Cc M. Stocks
W.Stocks





**KNIGHTS
OF COLUMBUS**
IN SERVICE TO ONE. IN SERVICE TO ALL.

John K. Kelly DGK Council 10488

73 Mammoth Rd. Windham N.H. 03087 (603) 889-8972 (603) 315-7387 cell

April 2, 2011

David Caron
Londonderry Town Manager
268 B Mammoth Road
Londonderry, NH 03053

Mr. Caron:

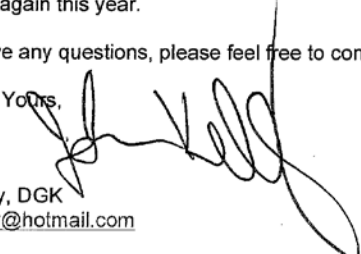
St. Mark's Knights of Columbus council 10488 in Londonderry, NH (Tax ID number: 02-0444359) is once again planning for its annual Tootsie Roll Drive. This year the drive will be held on Saturday May 19th. Volunteers will be available from 9am to 3pm to help this worthy cause.

This effort generates thousands of dollars annually to assist the mentally handicapped through special education programs, Special Olympics, camps and other agencies in Londonderry and throughout the state. Last year our local council collected over \$2,000 in donations, and this year we hope to continue this successful program.

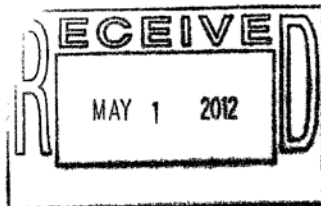
Over the years we have become a familiar sight as we stand outside with our Knights of Columbus aprons and give away free Tootsie Rolls. In the past, we have posted volunteers in Londonderry at Shaw's, Market Basket, and Dunkin' Donuts on Mohawk Drive and Nashua Road. We are currently contacting those businesses to seek permission to collect donations at those locations again this year.

If you have any questions, please feel free to contact me.

Sincerely Yours,


John Kelly, DGK
johnkkelly@hotmail.com

cc: William Hart, Londonderry Chief of Police



TC – Open Space Task Force Report Where do we go from here?

Martin Srugis, 17 Wimbledon Dr.

I would like to comment on the Open Space Task Force Report and its adoption or so I had thought.

Last week, I attended the Conservation Commission meeting where I asked the question “What is the commission’s status regarding implementing the recommendations contained in the Open Space Task Force Report that was adopted by the Town Council on Jul 7th, 2011? Have any of the 7 conclusions and 33 recommendations been worked on to date?

To my dismay, the answer was no. Rather, the commission looked puzzled by my request. I got the feeling that the Open Space Task Force Report was accepted, but not acted upon by the commission or the Town Council.

Why is that?

Why charter a special task force and ask volunteers & staff to spend a significant amount of time, including the expense of using the town’s GSI and planning director, on a final report which (it seems) no one on the Commission or Council is actively planning on implementing!

As I review tonight’s Council agenda, I would ask & strongly encourage the TC to begin the implementation of the report’s recommendations as an official goal for 2013-2014. Most importantly, I would like to see a formal plan on Stewardship be developed first and let the citizens & taxpayers of Londonderry know about all of our open spaces and their uses.

As I reviewed the prior minutes of the Conservation Commission last meeting, I see that they are going to consider a land purchase along High Range Rd. that is of medium value. Not the high value land identified in the Open Space Task Force report.

In my opinion we are purchasing land for no other reason than to purchase land. The original charge of the committee was “how much (land acquisition) is enough?” In my opinion, this purchase should be put on hold until the town gets a Stewardship plan developed that addresses the recommendations of the Open Space Task force Report.