

TOWN COUNCIL MEETING
June 17, 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, (Arrived 7:08PM); Joe Green, (Arrived 7:06PM); Tom Freda; Acting Town Manager, LPD Chief William R. Hart; Finance Manager, Sue Hickey; Executive Assistant, Margo Lapietro.

Call to Order

Chairman Farrell opened the meeting at 7:04 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men in women serving for our country and for first responders.

Public Comment

Acting Town Manager/LPD Chief Bill Hart spoke about the dog licensing requirements. There are upwards of 1K people who have not registered their dogs. We are preparing to send out warrants which require Council signatures. Town Clerk/Tax Collector Meg Seymour was in attendance to inform the Councilors and the public what the procedure is to register their dogs. The civil forfeitures by law have to go out requiring the owners to pay the regular dog licensing fees, any late civil forfeiture fees and fees for mailing the certified letters out. Acting Town Manager, LPD Chief Hart announced the resignation of Meg Seymour who has worked for the Town for 13 years. She will be leaving on 6/28/13. Meg thanked the Council, the Acting Town Manager, Department Heads, staff and the community for supporting her. Chairman Farrell thanked her for her service to the community. Councilor Dolan thanked her for her service as well.

Pet Shelter – Acting Fire Chief Darren O’Brien was in attendance to talk about kenneling pets during emergencies at the town emergency shelter. He explained he is currently looking for a company to clean-up after the shelter is shut down and they are also looking for volunteers to help out there. He introduced his Executive Assistant, Suzanne Roy who is spearheading the idea. S. Roy said she has worked on this project for the past 2 years. She met with the former Town Manager, the former LFD Chief and with the school and worked things out. She explained there will be rules and regulations that the townspeople will have to follow. She also said she did a few presentations to the seniors to explain how things will work. They found that seniors were staying at home because they did not want to leave their pets alone. The seniors will come to the shelter during the day and then go home at night for their pets. Some people bring their animals to the shelter and leave them in their cars. Councilor Green asked for an example. S. Roy explained that the individual has to be a resident of the shelter. The Londonderry High School gym has a separate entrance where the locker rooms are located downstairs for the animals. The residents will register upstairs, then go down and register their animals downstairs. The animals have to be in a carrier, have all their vaccinations, the owner has to provide proof of ownership, and bring all food and medications with them. One room will

46 be set-up for dogs, one for cats and one for all others. They are looking into setting up an
47 isolation room for injured or sick pets or for animals that don't have proof of vaccinations. The
48 residents of the shelter are required to take care of their own pets. After they leave, the facilities
49 will be disinfected. Councilor Green said he is the liaison to the Senior Affairs Committee; this
50 issue comes up a lot and he is glad that it has been resolved. He thanked them for all their
51 efforts. D. O'Brien said once it is approved by Council they will inform the community.
52 Councilor Green thanked them for their effort. D. O'Brien said S. Roy did all the work.
53 Councilor Butler pointed out that the last time we had a regional shelter we had residents from
54 other towns. He asked if this will preclude residents from other towns. S. Roy explained they
55 have to be a resident of the shelter to shelter the animals. The consensus was to proceed with the
56 program.

57
58 PSNH – Acting LFD Chief O'Brien said at the request of the Council he was asked to contact
59 our liaison at PSNH to come in and explain the recent power outages we have experienced.
60 Elizabeth LaRocca and Paul Casper from PSNH were in attendance. Chief O'Brien said during
61 the past month the Councilors might have noticed greater communication from PSNH.
62 Councilor Dolan thanked Elizabeth for her very detailed phone message that she left on his home
63 phone. Councilor Dolan asked why do we continue to experience the recent power outages why
64 do we continue to have reliability problems, and what are you doing about it. E. LaRocca
65 explained they are doing maintenance work. She proceeded to explain that their program has to
66 be submitted to the public utilities commission for approval of the work and the dollar amounts
67 invested every year. She said it has been going on for a while in Londonderry and we are one of
68 the first communities in the State of NH that mandated underground utilities in new
69 developments. Since 2011 they have had 17 underground projects in Londonderry. The cost so
70 far this year for replacing failed underground is \$4.3M. Londonderry's portion is \$1.6M to
71 replace the underground. They also have another program called "Cable Care" Council Dolan
72 pointed out that the public's perception to cure outages is to go underground. Paul Casper
73 explained the positive and negative of underground cables. He said that with the underground it
74 is harder to locate where the fault is but technology is catching up. It takes engineering to fix the
75 outages and he proceeded to explain the different types of circuits and grids and the involvement
76 of wild animals in the outages. He explained that they are digging up the "direct buries"; and
77 putting pipes down with new cable within the pipes. That is very expensive and labor intensive.
78 He explained how they have a new system whereby they inject a chemical into the old cable and
79 it gives them 20 more years of life so they can project out how long they can go before required
80 repairs. He said the underground area is more dangerous and Londonderry and Derry have the
81 largest underground areas. At 8:31PM Chairman Farrell and Acting Town Manager/LPD Chief
82 Hart left the meeting and returned at 8:35PM. Councilor Dolan asked in a new development is it
83 our requirement that the cable be in a pipe. P. Casper responded yes, that is a requirement that
84 PSNH has now. Councilor Dolan asked if they have a schedule for the repair work. He
85 responded yes the worst ones get done first. Councilor Dolan asked if they can share their
86 tentative schedule with the Town so it could be put on the town website? E. LaRocca responded
87 they can do that. She explained when they have a planned outage it is done in pieces and they
88 notify people 9 days before. They have a standard time for a switch over of 4-6 hrs. Chairman
89 Farrell summarized, that PSNH is replacing underground pieces, things fall on the overhead
90 wires which cause the power outages and they are replacing failures. He asked when a storm
91 comes what happens. P. Casper said we minimize outages with new devices they are putting in
92 place as well as having the tree trimming process in place. Councilor Dolan said the issue is
93 communication. As long as the Councilors and the Town Manager know what is going on, we

94 can put it on our website. If we can improve the communication link it would be very helpful.
95 P. Casper said he would be willing to come and talk to the townspeople. Councilor Dolan said
96 one thing they can do better is for scheduled maintenance outages to be shared with the town.
97 E. LaRocca said they would meet with heads of town and talk when we have other storms.

98
99 Dog Park Update – Presentation cancelled for tonight.

100
101 Londonderry Chamber of Commerce – Presentation cancelled for tonight.

102 103 104 Public Hearing

105 **Councilor Dolan made a motion to open the Public Hearing, second Councilor Freda.**
106 **Councils vote 4-0-0.** (Councilor Green left the meeting, not available to vote).

107 Order #2013-23 – Licensing of a Junkyard Pursuant to RSA 236-Licensing of Murray’s Auto
108 Recycling owned by Edward Dudek, Jr. The yearly license renewal was up for discussion and
109 several potential violations were discussed. Building Inspector Richard Canuel & Town
110 Attorney Matt Serge were in attendance. R. Canuel mentioned he invited Attorney Serge here
111 tonight in case the Council needed legal advice. R. Canuel explained the outstanding issues were
112 brought to his attention by an abutter involving some court action that has been conducted over
113 the years. He explained he conducted an extensive review on this junkyard and found some
114 issues were unresolved. He said he needed a public meeting to acknowledge those unresolved
115 issues and determine a workable resolution for the applicant. He made it clear to the Council
116 that it is not his recommendation that the Council deny the renewal of the license; Attorney
117 Serge said he would agree with him. He explained the Council can vote to deny the renewal
118 outright, vote to renew the license with the existing conditions as they are or they can amend the
119 conditions and approve the license. R. Canuel explained there are three specific issues that are
120 outstanding. The stacking of vehicles above the fence line is one of the conditions. The
121 condition stated that vehicles “shall not be stacked so they are visible above the fence line”. This
122 has been an ongoing issue over the years. The statute states that the fencing only needs to
123 substantially cover the area and not necessarily intend to completely hide the vehicles. That
124 condition was clarified and agreed to by Mr. Dudek and that condition has been on every annual
125 renewal. The second matter has to do with a court decision that resulted in a legal agreement
126 between the Town and Mr. Dudek dealing with the location of the office trailer. The previous
127 owner was ordered by the court to move that office trailer in 1997 to inside the fence. Mr.
128 Dudek purchased the property in 1998. The office trailer still remains exposed to the Hall Rd.
129 portion of the property and the fence has not been replaced in front of the unit. Part of that court
130 decision stated that the office trailer shall be located immediately inside the fence area and
131 access to that trailer only through a door in the gate and through the gate. The intent of that
132 decision is that there would be no access from the front parking area. The trailer remains today
133 exposed to the front parking lot. The third issue deals with the existing condition of the license.
134 Many of those conditions were drafted including timeframes for completion, which have been
135 done and are no longer applicable. Other conditions are outdated currently because of the
136 operations of the junkyard and are no longer applicable. His recommendation to the Council is
137 to modify them accordingly. Chairman Farrell asked Mr. Ed Dudek to address the three issues
138 separately. Ed Dudek, 36 Strafford Lane, Bedford, NH and, his attorney, Dan Corley, from the
139 McGrath Law firm were in attendance. Attorney Corley said this facility has been in its present
140 location since the late 1950’s. It existed long before the complainant property owner resided
141 there. Mr. Dudek has spent thousands of dollars to improve the facility. It is one of the better

142 facilities in Londonderry. The 2000 order is an agreement. The judge wanted an attractive
143 façade and he wanted the access and egress to the office and to the recycling facility to be
144 through a 36” doorway, properly maintained. Councilor Freda asked if he could look at a copy
145 of the order and Attorney Corley gave him one. Chairman Farrell asked him to address the
146 fencing issue. Attorney Corel said the doorway is still there. He showed photos of what the
147 trailer situated behind the fence looked like. Mr. Dudek contacted the then Code Enforcement
148 Officer; Frank Holdsworth and asked him if he could put in new windows and new siding on the
149 trailer. He showed before and after photos of the trailer. Attorney Corley said Mr. Dudek would
150 never have done this unless he had permission from F. Holdsworth. Chairman Farrell asked Mr.
151 Dudek if he had anything in writing from F. Holdsworth and he responded no. Chairman Farrell
152 asked R. Canuel if there was anything in writing to confirm this. R. Canuel responded he did not
153 locate anything in the files that this permission was granted. It was verbal between Frank
154 Holdsworth and the owner. Chairman Farrell asked R. Canuel if F. Holdsworth had the authority
155 to tell him that. R. Canuel responded he did not believe so because that being a condition of the
156 license it should have come back to the Council for their decision. Councilor Dolan asked if it is
157 possible for F. Holdsworth to acknowledge this since he resides in town. Acting Town
158 Manager/LPD Chief Hart said he and R. Canuel will try to get in touch with him. He also said
159 the court order is an agreement between the parties signed off by the court. Councilor Dolan
160 clarified that the parties are the Town and Mr. Dudek; Acting Town Manager/LPD Chief Hart
161 responded that was correct. Attorney Corel said the fence is on each side of the trailer; the
162 option would be to put a stockade fence in front of the trailer. The only one entrance to the
163 office is through the office door. There is only one complainant and it is the same one every
164 year. This is the best it has ever been. Councilor Freda asked where does it say you can take the
165 fence down in the court order. Attorney Corey read section 8 of the court order. He said their
166 position is that the trailer is part of the fence, that door is still there, it has existed for 10 years.
167 Councilor Freda asked at the time the fence was maintained back in 2000, did that fence include
168 covering the office or has that been the condition since the decree was entered into. Mr. Dudek
169 responded no, there was no fence there. He said at one time the fence was in front of the trailer,
170 when he resided the trailer he asked to remove the fence and was given permission. It now looks
171 like a residential home; if he puts the fence back up it will be an eyesore. Councilor Freda stated
172 the order says what it says and it is an agreement that he signed. Discussion ensued about what
173 is a fence. Chairman Farrell said that Mr. Dudek is making the argument that the trailer meets
174 the court order as a fence. Attorney Corey said this is an agreement and the Town and the parties
175 can change an agreement. It is in the best interest of the Town to have the trailer in its present
176 condition as opposed to put up a stockade fence. Attorney Matt Serge said he looked at the 1997
177 order, and looked at the subsequent stipulation of decree, the stipulation of decree stipulates in
178 paragraph 11 that defendants “agree to comply with all provisions of the order dated 12/17/97.”
179 The Court order on page 14 has one conclusion of the court that the ZBA found this was an
180 expansion on a non-conforming use because the trailer was moved in front of the fence area.
181 The plaintiff was ordered to move the trailer inside the fenced in area, no business was to be
182 conducted outside of the fenced in area. The point of the order is that everything has to be
183 conducted behind a fence. M. Serge said in reading these two documents a fence in front of the
184 property would be consistent with the court order and the decree. Attorney Corley pointed out
185 that this is a stipulation of a decree that was done subsequent to the order. As an agreement it is
186 subject to modification should the Council choose to take that position. If it finds that this trailer
187 is suitable as is, the fence would not be necessary. The Council can consider that since this was
188 an agreement. The Order and the Agreement do require a fence. Chairman Farrell asked M.
189 Serge if their argument is plausible that the trailer can act as a fence or barrier. M. Serge

190 responded he would first like to consider the ZBA's definition, if there is one, for a fence. He
191 said he finds it tough to accept that a side of a building is a fence. He also stated that delay has
192 to show some prejudice to the land owner. He said there is not much prejudice here because the
193 landowner has been allowed to continue conducting business; the delay is not preventing
194 enforcement of the orders. Councilor Dolan said this agreement is between the Town and Mr.
195 Dudek. Putting the fence in front of the building would deteriorate the building. Can we amend
196 the agreement to say the current configuration on the front of the building fulfills the intent to
197 control egress/ingress into the facility through that one door? The facility looks better in its
198 current configuration. Councilor Dolan suggested the Council consider amending the agreement
199 so the current configuration is okay and the front of the building is maintained in its current state.
200 Councilor Green said page 14 has two more sentences, specifically no business conducted
201 outside of a steel fence. R. Canuel responded he has not seen any steel fencing since he has been
202 employed by the Town. He said the façade is greatly improved than what he has seen in the past.
203 E. Dudek addressed the view of cars over the fencing. Not much is showing with the vegetation
204 as it is now. A few cars are higher than the fence if you stop and stare. E. Dudek said the price
205 of steel is low now, what is there was left over from the winter and he couldn't get them out. He
206 explained he can only get 2 loads out per day due to the change in hours of operation. He
207 suggested getting army camouflage to cover the cars that are over the fence until they can be
208 removed. R. Canuel said several years ago the Council allowed Mr. Dudek to add fabric above
209 the existing 6' fence to camouflage those vehicles. The agreement for the license says that
210 vehicles should not be stacked to a height where they are visible above the fence. If Council
211 approves the camouflage, that is fine by him but from his perspective that is still vehicles stacked
212 above the fence. Councilor Green agreed that there are still vehicles there. Councilor Butler
213 asked if that certain section of the fence that people can see from the road is there any way you
214 can extend that section. E. Dudek responded he is thinking about planting a fast growing tree
215 there. He said he was under the understanding that it had to be substantially screened which it is,
216 it is not 100% screened. Now we are being told it has to be 100% screened which they are close
217 to doing. Councilor Freda asked what is the zoning on this property; R. Canuel responded
218 agricultural/residential. Councilor Freda asked R. Canuel what is considered the front yard of a
219 residential property. He responded the frontage along the roadway. Councilor Freda said
220 according to Section 3.14.2 "fences located in the front yard of residential properties may not
221 exceed 4' in height except for agricultural fences for the confinement of livestock." So his 6' is
222 illegal. R. Canuel responded Mr. Dudek's is an existing non-conforming usage in this residential
223 zone. It would be the condition of the license and the court orders will be applicable even
224 though the fence does exceed our fencing regulations. Councilor Freda asked if that was
225 applicable since he changed the fence that was in existence. Doesn't he have to come under the
226 zoning since he changed his non-conforming use? R. Canuel said he thinks it is a completely
227 separate issue because we are addressing the junkyard in particular since we are not addressing it
228 as a residential use. Councilor Dolan asked E. Dudek how long it would take to get the cars
229 done. E. Dudek responded 4-6 months. He said every other junkyard in the state is substantially
230 screened, for some reason he has a different requirement. Councilor Dolan asked R. Canuel
231 what his opinion is on that. R. Canuel responded there are two separate issues; there is a statute
232 that says it shall be surrounded by a fence 6' in height that substantially screens the area. Then
233 there is the particular condition of the license that says vehicles shall not be stacked so that they
234 are visible above the fence. R. Canuel showed pictures of the area we are talking about.
235 Chairman Farrell said his impression from the Council is that they do not want the camouflage.
236 Chairman Farrell asked R. Canuel if he has reviewed the conditions of the junkyard license with
237 Mr. Dudek. He responded he has not, he presented them to Council first to review and discuss

238 and if they are okay he will discuss them with Mr. Dudek. R. Canuel provided Mr. Dudek with a
239 copy of the conditions. Chairman Farrell said what he is hearing from the Council is to figure
240 out the fence; not to use the camouflage on the cars to be crushed and figure out the height of the
241 stacked cars. Councilor Dolan clarified that what they are saying is either take the cars down or
242 put the fence up. Councilor Green said he thinks the court order is clear about the fence.
243 Chairman Farrell responded that our attorney has informed us that we are one of the parties; we
244 can interpret it if we deem. Chairman Farrell asked Mr. Dudek if he had any questions about the
245 conditions of the junkyard license. E. Dudek responded the Saturday hours of operation have
246 changed from 8:00AM – 5:00PM; they are now listed as 9:00AM – 5:00PM. R. Canuel
247 responded he got an interpretation from the town attorney that stated the normal hours of
248 operation shall be from 8:00AM – 5:00PM. Chairman Farrell asked how long have the hours
249 been 8:00AM – 5:00PM on a Saturday and is that in the past agreements. R. Canuel answered it
250 is in the past agreements. Chairman Farrell asked M. Serge if it is his understanding that the
251 hours should be 8:00AM – 5:00PM on weekdays and 9:00AM – 5:00PM on Saturday. M. Surge
252 said he is at a loss, he cannot recall that specific conversation from past years. He asked Mr.
253 Dudek what have the hours been consistently over the past years; Mr. Dudek responded 8-5 for
254 many years. Chairman Farrell asked R. Canuel if that has been the arrangements in the past
255 years, R. Canuel went through his paperwork trying to locate that information. E. Dudek said it
256 goes back to the Frank Holdsworth years. Councilor Dolan said that in the Council packet there
257 is an agreement heavily edited if that is the previous agreement it does say Saturday 9-5, there is
258 no date on it. It just refers to the 2000 stipulation. Chairman Farrell said they want the
259 document before that. Chairman Farrell asked Mr. Dudek if everything else in the agreement
260 was okay with him. Attorney Corley responded everything except for the hours of operation on
261 Saturdays. Councilor Butler said #6 the crushing operations are crossed out. Mr. Dudek
262 responded it used to be 7PM but that was changed years ago. R. Canuel said back in 2003 some
263 conditions were changed due to court action, it did state the hours of operation. Chairman Farrell
264 said to the best they can find he has been operating 6 days a week from 8-5 for some period of
265 time. He asked if any Councilor had an objection to continuing those hours; there was no
266 objection. Open for discussion. Chairman Farrell told the public that they will be talking about
267 the 3 items just discussed; fencing around the front of the building, the height of cars and the
268 hours of operation.

269 Gerard and Collette Adams, 54 Hall Rd. Gerard Adams said if Council does not require Mr.
270 Dudek to put up the fence in front of the trailer as it was originally he has to object to the
271 comment that it is esthetically pleasing at this point. There are large stains in the front of the
272 building. When he goes by S & S Metals he is not required to stop because there are trucks in
273 the road backing up on to their property like they have to do on Hall Rd. Chairman Farrell said
274 he can't speak about S&S Metals because he does not know anything about it. He asked the
275 Chief of Police if they have received any complaints of vehicles on Hall Rd. The Chief of Police
276 responded no. G. Adams asked if something could be done to clean the facade of the building.
277 E. Dudek explained that they put some kind of tar on the roof and it bled on the siding. Since
278 then he put a on new rubber roof and wants to put new siding on but he has been waiting to hear
279 the results of this meeting. Chairman Farrell clarified that Mr. Dudek will put new siding on the
280 building within a month if he does not have to put up a fence in front of it. Collette Adams said
281 the new siding won't do it. She and her husband have been coming to these meetings for years
282 just to get enforcement and this is the first time she has heard something positive. She would
283 prefer to see a fence. She asked if it was said that there was or was not a fence totally around the
284 property in 2000. Chairman Farrell asked R. Canuel who responded he could not answer for
285 2000 but in 2007 he has a photo showing there was a fence in front. Chairman Farrell then asked

286 E. Dudek what was the timeframe of the photo he showed earlier of the trailer with a fence
287 around it. D. Dudek responded during Frank Holdsworth's time. Councilor Dolan stated that he
288 would like to see us focus on the license renewal for 2013, so whatever was in place in prior
289 years is immaterial to the discussion tonight. C. Adams said she has a copy of a plan and a photo
290 from 2000 that shows there was a fence there. C. Adams asked if the Town Council could with
291 Mr. Dudek's agreement amend the court order or do we have to go back to court and bring the
292 matter forward. Attorney M. Serge said yes if the two parties, in this case it is only two parties,
293 the Town and Mr. Dudek agree. This case caption is the Town of Londonderry vs. Edward
294 Dudek Jr., et al. There was a previous case in which Mr. & Mrs. Adams were involved in as
295 well, he said he is not sure if that is the same case or not, he didn't know. That case was called
296 53 Hall Rd Trust vs. Town of Londonderry, ZBA and Mr. & Mrs. Adams interveners. We are
297 dealing with 2 different cases. This stipulation for decree we are talking about actually
298 incorporates the order from another case in which M/M Adams were involved. Chairman Farrell
299 asked if this agreement superseded that case. M. Serge responded it supersedes it in the sense
300 that it contains all of the agreed to conditions that the court approved; however, it does
301 incorporate the other order. The parties signing on to that agreement are Mr. Dudek, his attorney
302 Ed Boutin, the Town and David Connell. C. Adams responded that Ed Boutin was their
303 attorney. M. Serge corrected himself and said David Connell signed on behalf of the Town,
304 Edward Dudek signed and Mr. Boutin signed on behalf of the Adams' on the stipulation of
305 decree. So 3 parties would have to agree to change it, and because it is a decree signed by a
306 judge it could be brought back to the court for an amendment. If all 3 parties agree to it, it
307 alleviates that need; however it could go back to the court to make sure that it is correct. C.
308 Adams said if it is amended she would like to see it go back to court so we would have
309 something formal. Chairman Farrell asked M. Serge if all 3 parties agree and we put together a
310 new agreement it will be filed with the court. Attorney M. Serge responded it could be done. C.
311 Adams said the court order is very specific it says the property will be surrounded by a fence, it
312 doesn't say the building can be included in the fence. The prior owner did comply with that,
313 there are plans that are on record with the Dept. of Environmental Services. Normandeau Assoc.
314 took photos back in 2000 that show the fence is in front of the office. Chairman Farrell said
315 what is on the table so far is that E. Dudek is going to put new siding on the building, we are
316 going to write a new agreement, his cars have to come down and he has to sign the conditions
317 that have been put forward tonight. That is what is on the table for tonight. C. Adams asked if
318 this property is a "Green Yard". R. Canuel responded he is not sure if E. Dudek has achieved
319 "Green Yard" status. E. Dudek responded no, it could pass as a "Green Yard" but he never
320 bothered to do that. Councilor Freda asked M. Serge who are the 3 parties that have to agree to
321 any amendment. He responded the Town of Londonderry, Dudek Auto Recycling, Inc., Holden
322 Realty LLC, Gerard Adams & Claudette Adams. Councilor Butler asked if that is the case and
323 the Adams's don't sign where does it go from there. Chairman Farrell summarized that we can
324 start the legal paperwork to establish an agreement to reside the façade of the building, there will
325 be no fence; it will look the way it does today, the cars have to come below the fence and comply
326 with the court order, the Council is not interested in camouflage and Mr. Dudek has to agree to
327 the conditions presented this evening. He asked if those items could be completed tonight. The
328 Adams's said they would discuss it. E. Dudek said he agreed to it. M. Serge said he and
329 Attorney Corley can put something together in a week as long as Council votes to do this. E.
330 Dudek said he could do the façade in about a month; he has to call the crushers to come but
331 doesn't know their schedule. Councilor Butler said you talked about putting evergreen trees on
332 the property are you willing to still do that, he responded yes. Chairman Farrell asked M. Serge
333 if we can conditionally approve the license tonight based on the agreement being put together.

334 C. Adams said for the record, she does not agree. M. Serge responded Council can conditionally
335 renew the license if E. Dudek signs off to everything. Chairman Farrell asked if everything
336 could be done by September 1st. E. Dudek said he couldn't answer that because the cars are
337 done by an outside firm. Councilor Dolan asked E. Dudek if September 1st is a reasonable date.
338 E. Dudek said if the crusher can get over there it would be reasonable. Councilor Dolan
339 proposed that we have a draft agreement tonight, we consummate it on 7/15 at our next meeting
340 and in the agreement it has Sept. 1st as the date that the siding and cars are done. If not then at
341 the Sept. 1st meeting they will suspend his license. C. Adams said she is okay with everything
342 except the fencing; she wants the fencing restored according to the court order. Chairman Farrell
343 responded he thinks that what is being proposed is reasonable. C. Adams said if you drive by
344 now it is an eyesore. The only reason any cleanup is being made is because his back is against
345 the wall. Otherwise, there has been no effort, it has been like that for a long time and that is the
346 issue she has. She does not want to come back here next year; if the fence is up, problem solved.
347 Councilor Freda said he has seen pictures of the property when there was a fence, you still see
348 the top of the building. He suggested she read section 8 of the 2000 stipulation. The fence will
349 not cover the building, the house exceeds the fence. He told her she was in a position to use
350 leverage. A lot of interpretations can be made of it. G. Adams asked for some time to talk to his
351 wife and left the meeting at 8:44PM. At this point in the meeting Council moved to the Receipt
352 of Unanticipated Revenues. The Adams's came back 8:46PM and said they have not reached an
353 agreement. C. Adams said the court order was very specific. Councilor Freda said the order just
354 says "fence" it does not say fence in front of the place, it doesn't say what type of fence. He said
355 she might be right, he might be right. When you go to court all you are really sure of is a
356 decision. Chairman Farrell said his personal point of view is that we accomplished a lot of
357 things tonight; there is nothing he can do for what has happened for the past several years. We
358 have had a lot of positive things happen tonight and he urged her to consider that. He said
359 Council is going to move forward with the anticipation that we will be able to meet her
360 expectations and in the way that we discussed and hopefully that will work itself out. M. Serge
361 asked if it is possible to continue this hearing to the 7/15 meeting so they can regroup. Chairman
362 Farrell responded the license expires 7/1/13 so we will conditionally approve the license to the
363 7/15/13 meeting. Councilor Dolan told all parties that negotiation is a give and take; he
364 suggested they try to move forward as they go through negotiations. Chairman Farrell instructed
365 everyone to communicate through Richard Canuel. If they are unable to negotiate,
366 communicate with the Council. Richard Belinski, 89 Hall Rd. said the area in question on the
367 fencing is that the height of the gate is considerably lower than the rest of the fence, it needs to
368 go as high as the fence. The State RSA requires a fence of at least 6 1/2 ft. and it has to be a
369 solidly built fence. He said he forwarded correspondence from attorneys to the Acting Town
370 Manager and he asked him to forward that information to the Councilors. He said there are other
371 issues that are in violation such as multiple businesses that are headquartered through the state at
372 that address. It is in violation of a non-confirming use. The paperwork had been given to the
373 former Town Manager years ago and he asked the current Acting Town Manager to pass the
374 information onto the Councilors. The business includes a real estate and pellet company that are
375 both located there. He said a lot of what M. Serge brought up tonight is what he highlighted in
376 the court orders he sent. Al Baldasaro, 41 Hall Rd said he is an abutter and he can see into the
377 junkyard. Depending on what part of the hill you are on you can see the junkyard. He said he is
378 impressed with what Dudek has done over the years; it looks like a mobile home. It looks 150%
379 better than any other junkyard in the state. A fence will be detrimental to the property.
380 **Councilor Dolan made a motion to continue the public hearing to the 7/15/13 meeting and**
381 **to conditionally approve their license until the 7/15/13 meeting, second Councilor Butler.**

382 **Councils vote 5-0-0.** Richard Canuel asked if they still want Frank Holdsworth here. Acting
383 Town Manager/LPD Chief Hart said he will work on that.

384 Receipt of Unanticipated Revenues – FY13 donations from Beautify Londonderry and Trimmers
385 Landscaping as well as grants to the Fire Dept. and the Police Dept. totaling \$95,893.31.
386 Finance Director Sue Hickey was in attendance. S. Hickey said on one of the supporting
387 documents the spreadsheet had a typo error; the correct amount is \$95,893.31. She proceeded to
388 explain the items listed on the spreadsheet which have to be accepted by Council on a yearly
389 basis. Open for discussion. **Councilor Dolan made a motion to accept, second Councilor**
390 **Green. Councils vote 5-0-0.** At that point in the meeting the Adams’s returned and the Council
391 continued their meeting on the license for E. Dudek.

392

393

New Business

394

395 Order #2013-20 Licensing of a Junkyard Pursuant to RSA 236 – Licensing of S & S Metals
396 owned by Vito J. Solomini. **Councilor Dolan made a motion to suspend the first reading and**
397 **approve the Order, second Councilor Green.** Open for discussion. **Councils vote 5-0-0.**

398

399 Order #2013-21 – Licensing of a Junkyard Pursuant to RSA 236 – Licensing of Londonderry
400 Salvage owned by Doris and Anthony Iodice. **Councilor Butler recommended suspending the**
401 **reading and made a motion to adopt, second Councilor Dolan.** Open for discussion.
402 **Councils vote 5-0-0.**

403

404 Order #2013-22 – Licensing of a Junkyard Pursuant to RSA 236 – Licensing of Hill’s Salvage
405 Facility owned by Kenneth Hill. **Councilor Dolan recommended suspending the reading and**
406 **made a motion to adopt, second Councilor Butler.** Open for discussion. **Councils vote 5-**
407 **0-0.**

408

409 Order #2013-24 – Expenditure of Maintenance Trust Funds for Various Projects. Chairman
410 Farrell read the Order. Councilor Butler asked if we are replacing the entire outside entryway or
411 are we just patching the steps. Acting Town Manager/LPD Chief Bill Hart responded right now
412 we are just patching as a short term solution with the idea of replacing all the steps in the future.
413 **Councilor Dolan made a motion to adopt, second Councilor Green.** Open for discussion.
414 **Councils vote 5-0-0.**

415

416 Ordinance #2013-04 – Relative to an Amendment to the Municipal Code, Title VI, Chapter XIII,
417 Ambulance Fees and the Collection Thereof. **Councilor Dolan read the first reading, second**
418 **reading/public hearing is scheduled for 7/15/13, second Councilor Butler.** **Councils vote 5-**
419 **0-0.**

420

421 Ordinance #2013-05 – An Amendment to the Zoning Ordinance to Allow “A” Frame Sidewalk
422 Signs for Individual Tenants in Multi-Tenant Commercial Developments. **Councilor Dolan**
423 **read the first reading, second reading/public meeting is scheduled on 7/15/13.** Councilor

424 Butler said he talked to the Justice Dept. in Washington that handles the ADA, he is concerned
425 about the signs interfering with the proper access for people with disabilities particularly
426 wheelchairs. The minimum standard for clearance is 36". We need to take a look at this and
427 write something into it to include the ADA regulations. Chairman Farrell said we could send it
428 back to the Planning Board or make that change at the next meeting once we find out what that
429 information is. Councilor Butler said he would like our legal Counsel to look at it to make sure it
430 is correctly worded. The consensus was to amend it at the public hearing. **Second Councilor**
431 **Green.** Open for discussion. Councilor Dolan asked the Acting Town Manager to get some
432 legal advice on that issue before the 7/15/13 meeting. Councilor Freda also noted that there is a
433 separate Ordinance that is part of the zoning regulations that indicates that free-standing signs is
434 what arguably an "A" frame sign is, can't be within 15' of the property line. Most of the "A"
435 frame signs are 5' from the property. Councilor Dolan said that over the past years the
436 interpretation of a free standing sign is one that is not attached to the building. Councilor Freda
437 responded that everyone keeps saying that but that is not what is written. Councilor Freda said
438 he is in favor of the Ordinance but you need to reconcile the two. The consensus was that they
439 needed advice on that as well. **Councils vote 5-0-0.**

440

441

APPROVAL OF MINUTES

442

443 **Council meeting minutes of 06/03/13** – Councilor Green made a motion to approve, second
444 Councilor Dolan. **Council's vote 5-0-0.**

445

446

OTHER BUSINESS

447

448 Liaison Reports – Chairman Farrell said he will be attending an Old Home Day meeting and he
449 needs to know by this Thursday exactly how they are supposed to put their invoices in for
450 payment and how to handle their checks. Councilor Dolan said we can put the banner over
451 Pillsbury Rd. Chairman Farrell said we can't go across a main road because we are not covered
452 by insurance. Councilor Dolan said as one Councilor he is willing to take that risk. Chairman
453 Farrell responded that we have been advised by our insurer that we will be liable and it was not a
454 good idea.

455

456 Town Manager Report – None

457

458

459 Board/Committee Appointments/Reappointments –

460 Resignation of Amy Finamore from the Solid Waste & Environment Committee, term to expire
461 12/31/13. Chairman Farrell congratulated her on the birth of her new baby boy Luke and wished
462 her all the best and thanked her for her service. **Councilor Dolan made a motion to accept,**
463 **second Councilor Green. Councils vote 5-0-0.**

464

465 Chairman Farrell said he will not be attending the next Council meeting on 7/15/13. He wished
466 Councilor Dolan a Happy Birthday because his birthday is that day.

467

468

ADJOURNMENT

469

470 **Councilor Green made a motion to adjourn at 9:13PM, second Councilor Freda.**
471 **Councils vote 5-0-0.**

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Notes and Tapes by:

Margo Lapietro

Date: 06/17/13

Minutes Typed by:

Margo Lapietro

Date: 06/20/13

Approved by:

Town Council

Date:

DRAFT

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481

DRAFT

DRAFT