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<p><u>TOWN COUNCIL</u> <u>MEETING MINUTES</u> <u>November 4, 2013</u></p>
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7 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth
8 Road, Londonderry, NH.
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10 Present: Chairman John Farrell; Councilors Tom Freda and Jim Butler; Town Manager Kevin Smith;
11 Executive Assistant Kirby Wade; Absent: Vice Chairman Tom Dolan and Councilor Green.
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13 **CALL TO ORDER**
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15 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of
16 silence for a Londonderry Town former employee, Malcolm Wing, who passed away recently.
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18 **PUBLIC COMMENT**
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- 20 • Al Baldasaro introduced Linda Bates, 13 Hunter Blvd., candidate for the Elder Affairs Committee.
21 The Council had requested Bates to be interviewed. Bates read what she wrote out to the Council
22 and audience. Bates is currently secretary of the Londonderry Dog Park Study Committee and she
23 also attends Beautify Londonderry. She has been attending the Elderly Affairs Committee. In June
24 2013 the Committee unanimously voted Bates in as an Alternate member. Motion to accept Bates as
25 a member of the Elder Affairs Committee made by Councilor Freda, second Councilor Butler.
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27 **Council votes 3-0-0.**

- 28 • A presentation on the Londonderry Dog Park Study Committee made by Scott Benson, 8 Snowflake
29 Ln, member of the Planning Board and appointed to the Dog Park Study Committee. Benson gave
30 Council an update. After talking with Art Psaledas (Recreation Director) and John Vogl (Town GIS
31 Manager) there is a part on the backside of field 6 and 7 on West Rd. on Continental Park, next to
32 utility shed, that could be utilized. There are only 4 butters next to that. Benson stated they are
33 looking for direction. Only part that town owns that can't be utilized for anything else at this point.
34 Conservation Committee agrees that a dog park would be good use to the land as long as it stays
35 away from the Conservation Easements on the land. Councilor Butler asked about concerns of
36 hunting in that area. Benson said not with the baseball fields there. The only concern is that animals
37 are not allowed in the fields. The public and town will not fund it, it will be privately driven.
38 Chairman Farrell suggested the Town Manager Smith to explore some ideas with the Committee,
39 check out that we can use the land for that, talk to Public Works for maintenance requirement and
40 see if there's any funding mechanism. Also the liability of the town.
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- 42 • A presentation from the Art Rugg, Chairman of the Heritage Commission on the Town Forest. Rugg

43 read Article #11 and #20 from the May 17th, 1985. Rugg also referred to the 2004 Master Plan.
44

45 **[SEE ATTACHED INFORMATION FROM PRESENTATION]**
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47 Rugg stated from the Master Plan that the Town Forest surrounding the Town Common represents
48 an opportunity for encouraging more use in the area. In its current state it's inaccessible. Rugg than
49 referred to the Londonderry 2013 Master Plan. Rugg referred to pg. 180, item # 3, Trail Network.

50 Rugg stated Kent Allen, Town Sexton, had approached the Heritage Commission and proposed
51 doing some clearing. Prior to that Bob Zar approached the Heritage Commission about putting in a
52 trail. Rugg stated at some point they do want to create a system of trails. Rugg stated Kent's proposal
53 for clearing is a good start. Rugg stated his intent is to use the land for the public. One concern is the
54 deadwood in the forest.
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- 56 • Town Manager Smith met with the Town Forester. Smith stated the Forest had said where the
57 current trail is it doesn't need much more cleaning up.
58
- 59 • LFD Division Chief Brian Johnson stated the biggest concern is the dead trees, amount of limbs that
60 are down with all the storms we have had. Johnson stated there's an excessive fire load compared to
61 previous years. People can trip and fall on the trees and limbs that are down. Johnson stated they
62 don't have access to get apparatus in there. Johnson stated its 12 acres, the fire department does have
63 brush trucks but with the 1 path there's not much accessibility with trucks, which could cause
64 tripping hazards.
65
- 66 • Town Manager Smith stated that the liability carrier, *Primex*, and they said if an injury were to occur
67 and the town was found negligent for failure to train, equipped and monitor the activity than the
68 town could be subject to litigation, resulting liabilities which Town Attorney Ramsdell agreed with.
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- 70 • Ann Chiampa, 28 Wedgewood Dr, asked if the wetlands from the south are Adams Pond or the
71 brook the runs through the Town Common. Art Rugg stated he wasn't sure but he would walk it and
72 find out.
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- 74 • The Council suggests that Kent Allen and Town Manager Smith meet and talk about volunteers and
75 liability.
76
- 77 • Mike Speltz, Conservation Commission, stated the Town Forest has been selectively harvested most
78 recently in connection with the clearing of the picnic area. Speltz stated that from time to time they
79 have gone in there and taken out trees so sunlight can get in there to bring in the next crop of trees.
80 With regard to Division Chief Johnson's concern, Speltz stated there have been more fires in the
81 Musquash than in the Town Forest. Speltz stated that more trails need to be added and what do we
82 want that land to be, a forest or a park?
83
- 84 • Stu Arnett gave a presentation on Stewardship. Arnett gave an updated on the recreational guide
85 project. **[See attached PowerPoint]**. Arnett gave an update on where they are with the website.

86 You will be able to look up all features of the hikes, parks and places you can visit throughout
87 Londonderry.
88

- 89 • Mike Speltz, Conservation Commission, continued Arnett’s presentation with things to come. [See
90 **attached PowerPoint**]. Speltz discussed the Conservation Easements. [Refer to attached
91 **information**] Speltz stated back in 2003 a land management standard operating procedure and
92 incorporated with that the *Land Trust Alliance* standard practices. The *Land Trust Alliance* is the
93 nationwide private organization that tries to set standards for conservation land and how it should be
94 acquired and manager. Speltz stated it is a complex easement and there are so many butters.
95
- 96 • Town Manager Smith asked Speltz of all the open space that we have, how much is it ownership vs.
97 easement. Speltz stated there is more in town owned land because the Musquash alone is 1,000 acres
98 and there are 1,200 under easement of various types. Speltz stated like a 2/3 – 1/3 mix.
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100 APPOINTMENTS

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- 102 • Councilor Freda made a motion to move up in the agenda the re-appointment of Lynn Wiles,
103 candidate for the Londonderry Planning Board and Re-Appointment of Maria Newman, candidate
104 for the Londonderry Planning Board. Second by Councilor Butler. **Council votes 3-0-0.**

105 PUBLIC HEARING

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- 108 • Motion to go into Public Hearing made by Councilor Butler, second by Councilor Freda. **Council**
109 **votes 3-0-0.**
- 110
- 111 • Public Hearing on *Ordinance #2013-06, Impact Fee Zoning Ordinance*, presented by Attorney
112 Ramsdell. Ramsdell stated last time we had the introduction of the revisions to the Ordinance. There
113 were questions brought up since that time there have been two revisions that were made based on the
114 comments.
115
- 116 • Ramsdell stated that the only reservations that were brought up at the first reading have been
117 resolved and that he is confident that the revised Ordinance would bring the Town Ordinance in line
118 with the State Statutes and bring it completely up to date.
119
- 120 • Chairman Farrell stated that there is someone who has brought litigation against the Town. Farrell
121 asked Ramsdell where we stand on that. Ramsdell stated recently claims were made by respondents
122 to the case. Ramsdell stated Londonderry has resolved all claims by all of the original respondents
123 except one. There have been 6-7 other entities that asked to intervene and we did not object because
124 it was the Council direction that it get resolved. Now those respondents have turned around and have
125 pleaded claims that are broader in scope than anything that the superior Court will entertain at all.
126 Ramsdell stated that we have moved to dismiss this week and have filed three motions to dismiss
127 some of the claims that have been filed by the respondents. We anticipate filing at least two more.
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- Fred Doucette, 15 Priscilla Lane, stated that he was unaware of the new broader ranging exertions from the claims on the impact fees. Doucette stated he was a homeowner who got his impact fees granted to him from the Court. Doucette asked Ramsdell if that has any effect on him getting his fee's back. Doucette asked when will he be receiving his fees. Ramsdell stated that they paid the money to the Court. The Court issued an Order months ago and should have at that time issued a check at that time. Chairman Farrell stated the Court has all the money and if he doesn't have his money yet the Town has nothing to do with it. Farrell stated it all goes through the Court Clerk, and they would be best to contact.
 - Councilor Butler asked if the Council pass the Ordinance, do the impact fee's go into effect again and if so at what time. Attorney Ramsdell recommends that the Town Council pass the Ordinance but a year ago (at this point) with an Ordinance in place, suspended imposition and collection of all Impact Fees. Ramsdell suggests to the Council that they leave that suspension in place and pass the new Ordinance so that when the Council is ready to implement an Impact Fee program again, you have the Ordinance in place, but he is not advocating or recommending to the Council that they lift the suspension that's in place.
 - Chairman Farrell stated that there's more research and studies that need to be done.
 - Motion to adopted Ordinance #2013-06 Amendment to the Zoning Ordinance to replace section 1.2 Impact Fees made by Councilor Freda, second by Councilor Butler. **Council votes 3-0-0.**
 - Motion to close Public Hearing made by Councilor Freda, Second by Councilor Butler.
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OLD BUSINESS

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- **Resolution #2004-11B**, a Resolution relative to the collection and distribution of rental fees for the Mayflower Grange, which is the Senior Affairs building, presented by Town Manager Smith. Smith stated at the last Council meeting there was a request to update the Resolution to what the fees could be expended for. This Resolution updates who exactly can expend the fees that are collected; it makes it clear it shall be done by the Finance Department, and not a third party.
 - Councilor Freda stated that the Resolution should be 2013 not 2004.
 - Motion to accept Resolution #2013-11B made by Councilor Butler, second by Councilor Freda. **Council Votes 3-0-0.**

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NEW BUSINESS

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- Intro to Fiscal Year 15 budget presented by Susan Hickey [**Finance Director**] and Town Manager Smith.
- [See attached PowerPoint]**

- 171 • Deliberative session will be held on February 8th, 2014 when the voters will finalize budget items.
172 Voters will have a choice between the Council’s budget and a default budget, assuming they are not
173 the same.
174
- 175 • The default budget is the Fiscal Year 2014 operating budget adjusted by contractual items that can
176 be collective bargaining agreements, contracts, medical benefits, etc. and reduced by any one time
177 expenses in the FY14 operating budget.
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- 179 • Town Manager Smith went through the PowerPoint and stated that the guidelines that he had in
180 speaking with the Council was to develop a budget keeping the bottom line of each department
181 within the FY14 default amount.
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- 183 • Smith stated he had each department put together a list of items that if they could have above the
184 default, what would those things be, when they passed in their budgets.
185
- 186 • Londonderry Fire Department made an overtime request, given the historical amount that the fire
187 department has gone over in previous budgets. Finance will be preparing a 10 year analysis to be
188 made available for the Budget Workshop on November 16th. Smith stated he did not include it in this
189 current budget.
190
- 191 • Smith continued to give budget updates [**Refer to PowerPoint**]
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- 193 • Chairman Farrell stated that the Council looks forward to hearing from the Fire Department and the
194 Police Department about overtime at the budget workshop.
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- 196 • **Order #2013-34**, Expendable Maintenance Trust Fund for the Senior Center Auditorium roof
197 structure repair. Inspectors have looked at the roof. Smith stated it is just one project listed under the
198 Order and that the word ‘various’ in the Order is more of a formal title than anything. Smith stated
199 that they would like to get started as soon as possible on the project because of the weather that will
200 be coming in soon. Chairman Farrell stated that the Council will approve the Order and give
201 direction to the Town Manager to look at the scope and not to start it until he is convinced that he
202 has an ‘apples to apples’ bid. Motion to approve Order #2013-34 made by Councilor Butler, second
203 by Councilor Freda. **Council votes 3-0-0.**
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- 205 • Order #2013-35, an Order relative to the distribution of fire equipment from the Capital Reserve
206 Funds. Chairman Farrell read the Order to purchase one Holmatro 4050NCT Cutter from Industrial
207 Protective Services LLC. Councilor Butler asked if the original tool we had like this was broken or is
208 this a backup? Chief Darren O’Brien stated it’s one of the hydraulic cutters from the truck, and a
209 piece was damaged during an exercise and the fire department can’t do without it. Motion to approve
210 Order #2013-35 made by Councilor Butler, second by Councilor Freda. **Council votes 3-0-0.**
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APPROVAL OF MINUTES

- Motion to approve minutes from Town Council meeting October 21st, 2013. Motioned by Councilor Butler, Second by Councilor Freda. **Council votes 3-0-0.**

LIASON REPORTS

- **None**

TOWN MANAGER REPORT

- Town Manager Smith stated a reminder about the Veterans breakfast and parade that takes place on November 9th, 2013.
 - Smith shared the article written about the Town of Londonderry and the future economic development opportunities in this month's addition of Business New Hampshire Magazine.

ADJOURNMENT

- Motion to adjourn made by Councilor Freda, second by Councilor Butler. **Council votes 3-0-0.**

Notes and Tapes by:	Kirby Wade	Date: 11/04/13
Minutes Typed by:	Kirby Wade	Date: 11/13/13
Approved by:	Town Council	Date: xx/xx/xx