

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **September 8, 2014**

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

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6 Present: Councilors Tom Freda, Joe Green and John Farrell; Town Manager Kevin Smith; Executive Assistant Kirby Wade;
7 Absent; Vice Chairman Jim Butler, Chairman Tom Dolan.

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9 **CALL TO ORDER**

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11 Councilor John Farrell acted as Chairman. Councilor Farrell opened the meeting with the Pledge of Allegiance. This was
12 followed by a moment of silence for all those who serve us here and abroad.

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14 Councilor Farrell stated that there are only three councilors tonight and there are a few items up front that are going to be
15 continued. Councilor Farrell stated that the public hearing for Ordinance #2006-08, an Amendment to the Municipal Code
16 Relating to the Approval on Sanctioning Recreation Groups. Councilor Farrell stated that someone from the Recreation
17 Committee should be present to ask for a continuance. No one stepped forward. Town Manager Smith stated that it is his
18 understanding that one of the interested parties in this Ordinance change was going to ask that the Public Hearing be
19 continued to the next Town Council meeting so that the Recreation Commission can hold its next meeting. Smith stated that
20 he was not told that by someone on the Recreation Commission but someone who is interested and works with the Recreation
21 Commission. Councilor Farrell stated that it is his understand that other groups want to weigh in on this Ordinance.
22 Councilor Farrell asked the Council if they would like to move up the Public Hearing to the next meeting on September 22nd.
23 The Council had no objection. Councilor Farrell stated that the Ordinance will be continued to the next meeting.

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25 Councilor Farrell stated that Order #2014-12, the Licensing of Murray's Auto Recycling, they have been asked by Council
26 for Murray's to continue the Public Hearing, which is still open, to October 6th. The Council had no objections.

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28 **PUBLIC COMMENT**

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30 Pauline Caron, 369 Mammoth Road, stated that she is here for a few reasons. Lately there have been a lot of new building
31 approvals in Londonderry. Caron stated that some of it is over 55 developments, but it is not affordable for seniors because the
32 cost of units in these developments start in the range of \$300,000. Caron stated that Londonderry has a large senior population
33 and there have been some who have moved out of town because they cannot find anything in Londonderry. Caron stated that it
34 is something the Council has to address because there needs to be affordable senior housing. Caron stated that workforce
35 housing is coming to Londonderry as well. Caron stated that some have been recently approved by the Planning Board. Caron
36 stated that the Master Plan should be reviewed and areas for all developments should be reviewed and revised in accordance
37 with the Master Plan. Caron stated that RSA 674:59-3 states that municipalities should take inventories of the workforce
38 housing units that are available in the Town. Caron stated that it is time for Londonderry to take an inventory of what it has
39 and what is coming up that has been approved for workforce housing, and until that is done there should be a moratorium on
40 any future workforce housing units. Councilor Farrell stated that his understanding is that part of that law is that the Town has
41 to do that annually. Councilor Farrell asked Town Manager Smith to check in to see if the Town has continued to do that and
42 updated annually. Councilor Farrell stated to Caron that someone will look into it. Caron stated that she wanted to talk about
43 the Zoning Board. Caron stated that there has been a free for all with developers because the Zoning Board has been granting
44 variances left and right. Caron stated that the Town has Zoning Ordinances and they are there for a reason. They should be the
45 law of the land for Londonderry. Caron stated that it seems like all these variances are being granted just as is. Caron stated
46 that the ordinance should be followed and if they need to be revised than someone needs to revise them. Councilor Farrell
47 stated that the Town is in the process of looking at all of the ordinances and zoning currently. Town Manager Smith stated that
48 there is a zoning audit underway.

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50 Gerard Adams, 54 Hall Road, stated that he knew the Public Hearing was going to be continued. Adams stated that he read in
51 the Londonderry Times about a lady who would like to have some cows on her property and the comments about the cows got
52 his interest. Adams stated that those people are concerned about cows, when they should be more concerned about
53 contaminants in the water rather than what cows do to the marshland.

54 Claudet Adams, 54 Hall Road, stated that there was a supplemental site investigation that was conducted on the junkyard
55 concerning the contamination. It was done by the junkyards Geo Insight Company, the company that does the testing. Adams
56 stated that she had hoped that seven years after the removal of nine hundred and fifty-three tons of contaminated petroleum
57 soil and so on was removed, that by now there could be some relief and not have that burden that there is a threat of
58 contamination that exists. Adams stated in the report Geo Insight prepared a letter. It is a two hundred and eighteen page
59 report. Adams stated that the contamination is ongoing and a serious problem. Adams read in a short portion of the report.
60 Adams stated that she discovered on the DES website that there is a manual that corresponds with the self-certification and in
61 the self-certification it lists that you should contact the federal agency. Adams stated that if you follow the manual and conduct
62 a self-certification for best management practices, she doesn't see how you could not know about the contamination laws.
63 Adams stated that it is effect the value of her home. Gerard Adams called on a State Representative who has been supporting
64 the junkyard who has been breaking the law. Discussion about placement of the building came up, about whether the building
65 is behind the fence or not. Councilor Freda asked Adams who requested the contamination report. Adams stated that it is done
66 as part of the best management practices. Adams stated that the report goes to the New Hampshire department of
67 environmental services. Councilor Green asked Adams what the date of the letter is. Adams stated that it is August 27th, 2014.
68 Councilor Farrell asked Town Manager smith to get a copy of the report. Adams stated that in the court order, the Judge
69 recognized that they shouldn't have to continue to police the junkyard. Adams stated that she doesn't know any other way to
70 let the Council know about the late deliveries that occur on a regular basis. Adams stated that she doesn't want to have to come
71 back year after year to the Council with the same problems.
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73
74 Keith Ganya, 84 Hall Road, stated that the hours of the junkyard, he lives on Hall Road and he understands there is a Court
75 order that the owner agreed to stop his work at 5 PM. Ganya stated that it should not be up to the neighbors to enforce those.
76 The trucks go by all times of the night. Ganya stated that it needs to be enforced by the Town.
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78 Town Manager Smith stated that if anyone is at the meeting waiting for the update on the target shooting workshop in the
79 Musquash, Smith stated that the first workshop on it will be on Tuesday, October 7th at 7 PM in Moose Hill Council Room.
80 Everyone is welcome and it will be moderated by Chairman Dolan.
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82 Richard Belinski, 89 Hall Road, stated that there was a fifty-seven day extension granted for the junkyard renewal. Belinski
83 stated that it was granted under the premise that everything in the Court order and through the Town would be followed for
84 those fifty-seven days. Belinski stated that it was extended again. Belinski stated that some things have gotten better, but the
85 hours of operation have not and they are in the agreement with the Town of Londonderry. Belinski stated that it is a
86 nonconforming use. Belinski stated that he wouldn't keep coming back unless things were enforced, especially the hours of
87 operation.
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89 Mary Tetreau, 15 Isabella Drive, stated that the junkyard problem has been going on for too long. Tetreau stated that she is not
90 an abutter but she is shocked that this business has been able to operate in Londonderry as long as it has. Tetreau stated that
91 the place is clearly in violation.
92

93 Councilor Farrell stated that tomorrow is voting day in New Hampshire. The polls are open from 7 AM until 8 PM and there is
94 one polling location in Londonderry, the largest in the State of New Hampshire. It is the high school gym.
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97 Councilor Farrell introduced John Vogl, GIS Manager. Vogl presented the new updates on the outdoor recreation guide. Vogl
98 showed the Council the Council the updates and stated that the guide has been worked on since the beginning of the summer.
99 Vogl stated that there are a couple ways to access the page. Vogl introduced the 'read more' option when you click on the map
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101 with information and details about certain paths and things that go on in Londonderry. The site is still under construction. All
102 the web work was done on site. The plan was written by Arnett Development Group and Bill Flynn. A final will be presented
103 to the Conservation Commission later in the month.

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PUBLIC HEARING

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107 Motion to enter Public Hearing made by Councilor Green and second by Councilor Freda. Chair votes 3-0-0.

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109 Councilor Farrell introduced Ordinance #2014-04, An Amendment to the Municipal Code Relating to Nepotism and Conflicts
110 of Interest. Councilor Freda presented and read the Ordinance. Councilor Freda moved to amend section B, by adding the
111 following language, in the second paragraph, after the word additionally, to add the words 'except where necessary in the
112 course of daily operations within a department'. Councilor Freda stated further down, beginning with the sentence, if an
113 employee after the word command, adding the words 'except where necessary in the course of daily operations within a
114 department'. Councilor Farrell stated that the Council will take all amendments as one motion. Councilor Freda stated that the
115 proposed Ordinance is being presented for adoption based on the lack of an ordinance in nepotism policy in the Town. This
116 will bring Londonderry up to speed with the State and other Towns. Councilor Freda stated that this ordinance does not
117 prevent individuals in a family from having employment with the Town, it just tried to illuminate hiring and supervisions
118 decisions by related parties. Councilor Farrell opened the Public Hearing up to the public.

119

120 Jake Butler, 57 Mammoth Rd, asked the Council if this ordinance will affect him personally getting a job in Londonderry, with
121 family members already employed. Councilor Freda stated that is would affect him if his brother, Bo Butler, was the one
122 hiring him. He would have to step aside and someone else would have to do the hiring. Butler stated that his biggest thing is
123 that it doesn't affect him in his business.

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125 Motion to approve Ordinance #2014-04 as amended made by Councilor Green and second by Councilor Freda. Chair votes 3-
126 0-0.

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128 Councilor Farrell introduced Resolution #2014-01, A Resolution Relative to Designating the Local Scenic Byway committee.
129 John Vogl, GIS Manager, presented. Vogl stated that they are looking for a formal naming of the Heritage Committee to serve
130 as the Local Byway Advisory Committee. The designation of the Appleway in Londonderry was put in place in 1996.
131 Presently the State is looking to de-designate those programs that don't have a Committee or a plan in place. Vogl stated that a
132 plan is in the works. Motion to approve Resolution #2014-01 made by Councilor Green and second by Councilor Freda. Chair
133 votes 3-0-0.

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135 Motion to close Public Hearing made by Councilor Freda and second by Councilor Green. Chair votes 3-0-0.

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OLD BUSINESS

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139 Town Manager Smith stated changes that will be made to the Town's fireworks Ordinance. Smith presented a copy of the
140 current Municipal Code as it pertains to fireworks in the Town and a draft revision of it. Smith stated that it will be done by
141 Ordinance. Smith stated that he met with neighbors who have been dealing with late night fireworks being set off. Smith stated
142 that he met with the fire department to see what could be done to curb the issue. Smith presented the bold changes. Smith
143 stated that the State Statutes have changed on fireworks and there are two kinds of fireworks now. Your display fireworks,
144 which are Class B fireworks and you have your consumer permissible fireworks, which are Class C fireworks. That is not
145 listed on the Ordinance. Smith went through changes. Smith stated that you are currently only needing a permit if you are
146 shooting off five hundred dollars' worth of fireworks or more. Smith stated that permits will be limited now, and everyone will
147 have to get a permit. It will be capped at a maximum of twelve per calendar year. Smith also discussed the safety regulations.
148 Smith stated the permit fees have also been removed. Smith got permission from the Council to proceed.

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NEW BUSINESS

Councilor Farrell introduced Order #2014-19, the Expendable Maintenance Trust Fund for Various Projects. Janusz Czyzowski, Public Works Director, stated that they are replacing a truck. Councilor Green asked Czyzowski what happened to Colonial in the bid process. Czyzowski stated that they didn't bid. Czyzowski stated that it was advertised in the paper. Motion to approve Order #2014-19 made by Councilor Green and second by Councilor Freda. Chair votes 3-0-0.

Councilor Farrell introduced Resolution #2014-02, a Discontinuance of Highway, a portion of Reed Street and Resolution #2014-03, Discontinuance of Highway, a portion of Golen Drive. Councilor Farrell stated that this is the first reading. Czyzowski stated that these roads are being discontinued as a part of the proposal of the new plan for the elderly housing project. No questions from the Council. Motion to wave the first reading of Resolution #2014-02 and Resolution #2014-03 made by Councilor Freda and second by Councilor Green. Chair votes 3-0-0.

Councilor Farrell introduced Order #2014-20, the Expenditure of the Roadway Maintenance Trust Fund for Public Works, to build the third phase of Litchfield Road and Maureen Drive. Motion to approve Order #2014-20, to expend up to \$800,000, made by Councilor Green and second by Councilor Freda. Chair votes 3-0-0.

APPROVAL OF MINUTES

Motion to approve the Town Council minutes from August 11, 2014 made by Councilor Freda and second by Councilor Green. Chair votes 3-0-0.

LIAISON REPORTS

NONE

COMMITTEE APPOINTMENTS/REAPPOINTMENTS

Motion to appoint Ann Chiampa to the Alternate position on the Planning Board made by Councilor Freda and second by Councilor Green. Chair votes 2-0-1. Councilor Farrell stated last meeting there was information he did not have and based on learning that information since the last meeting he will obtain. Councilor Farrell reminded Chiampa that she needs to resign from the Heritage Commission before she can take Oath of Office for the Planning Board.

Town Manager Smith announced that the Public Hearings for the road discontinuances will be October 6th so that there is enough time to post it.

ADJOURNMENT

Motion to adjourn made by Councilor Green and second by Councilor Freda. **Chair votes 3-0-0.**

Notes and Tapes by:	Kirby Wade	Date: 09/08/14
Minutes Typed by:	Kirby Wade	Date: 09/11/14
Approved by:	Town Council	Date: 09/22/14