

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **April 6, 2015**
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4 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth
5 Road, Londonderry, NH.
6

7 Present: Chairman John Farrell; Councilor Tom Dolan; Vice Chairman Jim Butler; Councilors Tom
8 Freda and Joe Green; Town Manager Kevin Smith; Executive Assistant Kirby Wade;
9

10 **CALL TO ORDER**

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12 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of
13 silence for all those who serve us here and abroad in uniform and for all first responders.
14

15 **PUBLIC COMMENT**

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17 Chairman Farrell opened up the floor for public comment. There was no public comment.
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19 Chairman Farrell stated that there will be a presentation by Chief Hart and Chief O'Brien for 'National
20 Safety Telecommunications Week' Proclamation. Chief Hart stated that when people are in trouble with a
21 car accident or medical emergency or a criminal event, the people who hear about it first are the first
22 responders. Chief Hart stated that he is pleased to have highly professional folks here in Londonderry.
23 Chief Hart read the Proclamation into the record. The Proclamation states that the Chairman of the Town
24 Council, John Farrell, of Londonderry, NH, do proclaim April 12th-18th, 2015 as 'National Safety
25 Telecommunications Week' in Londonderry. Chief O'Brien recognized Fire Department dispatchers
26 Gerald Johnson, Elizabeth Mahon , Robert Simard, Christopher Schofield, Vincent Curro and Joanne
27 Leonard. Chief Hart recognized Police dispatchers Rachel Cawthron, Amelia Mckeever, Jason Pinault,
28 Cory Nader, Maria Schacht and Cindy Tuck. The Council thanked the dispatcher recognized.
29

30 Chairman Farrell stated that it has been requested that Order #2015-10, an Order relative to expend
31 Special Revenue Funds for the Londonderry Police Department, up in order. The police Department is
32 looking to expend \$4,150.00 from the Vehicle Expendable Maintenance Trust. Captain Gandia stated that
33 Officer Shaun Goodnow, the fleet maintenance officer, has looked into some service costs that can be
34 done in house and provide through the department. Things like tire rotations, plate installations and fixes,
35 etc. Captain Gandia stated that the department spends about \$6,000 per year for the entire fleet. It was
36 looked into the cost of installing a garage lift at the Police Department. The cost is \$4,150 to have it
37 installed. Captain Gandia stated that this is a one-time expenditure that can have an ongoing cost savings
38 of about \$6,000 annually for the Police Department. Councilor Dolan motioned to approve Order #2015-
39 10. Second by Councilor green. Chair votes 5-0-0.
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PUBLIC HEARING

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46 Chairman Farrell stated that this is a continued public hearing on Ordinance #2015-02, an amendment to
47 the Zoning Ordinance relating to the rezoning of map 6, lots 37 & 38, 6 and 8 Mohawk Drive. Chairman
48 Farrell invited up the Town Attorney, Mike Ramsdell, to give his opinion on the zoning. Attorney Ramsdell
49 stated that it is his opinion that the Ordinance, if passed, would not result in spot zoning. It would be
50 consistent with the majority of the land that surrounds the property. There is no challenge based on spot
51 zoning.

52
53 Chairman Farrell opened it up to the public.

54
55 Attorney Tom Ellsworth, Attorney for the Kendallwood Condo association. Attorney Ellsworth stated
56 that he spoke at the last meeting as well. The position he has is different from the Town Attorney's
57 position. Attorney Ellsworth stated that he wanted to make sure that the points that were made are all
58 reflected in the record. Attorney Ellsworth stated that he would like to Council to consider the developer
59 in developing this site does not need to request a zone change to pursue the use that he is looking for.

60
61 Chairman Farrell invited up Cornelis de Jong, the applicant. Chairman Farrell stated that last time he
62 asked De Jong what his intentions were in terms of working with the abutters and it had been described
63 what will be done and the landscaping and the favorability of being able to work closely with the
64 abutters. De Jong stated that they have been reaching out to Harvard Management and it has been a bad
65 process. De Jong stated that they initiated a meeting that was not well received. They have only received
66 one communication from Attorney Ellsworth that stated that Kendallwood was not willing to negotiate.
67 De Jong stated that the only meaningful discussion that was had was that there was some talk that they
68 are interested in over \$50,000 worth of renovations to their buildings, and it is in writing. De Jong stated
69 that his attorney has reached out several times. De Jong stated that he is trying to fix what has been a
70 failed lot. De Jong stated that he is still willing to work with the neighbors. Chairman Farrell asked if the
71 Town Attorney has been engaged in the conversations. De Jong stated no.

72
73 Councilor Green asked De Jong why he is seeking the Ordinance when it seems like the building can be
74 built without the Ordinance and zoning change. Attorney Andy Prolman, Prunier & Prolman, Nashua,
75 attorney for de Jong, stated that the existing zoning does not allow Cor to do what he wants to do with
76 this property. Attorney Prolman stated that if the bistro does not come to pass, the C-I zoning opens up a
77 bunch more possibility and it opens up the lot to turn it from what it is now, it gives the possibility to do
78 much more than what the C-IV allows. De Jong stated that it is because of the height limitation. There is
79 a 30 ft. height limit on it. De Jong stated that what he is proposing is only possible in C-I. If it is C-IV,
80 the project as planned falls apart. Councilor Dolan stated that there is an opportunity during the planning
81 process for de Jong to work with the abutters to work on cooperating. De Jong stated that is what he is
82 hoping to happen.

83
84 Councilor Green asked if there was a difference in value between a C-IV and a C-I zoning. Councilor
85 Green stated that he thinks C-I will be a lot more valuable than C-IV. Art Rugg, Chairman of the
86 Planning Board, stated that right now it's a wide open question and cannot be defined. The value is what
87 you put on the land.

88
89 Councilor Freda asked what specifically can't be done with a C-IV that you can do with a C-I. De Jong

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90 stated that the building design and height which is key to the entire concept, it was designed to be a
91 heritage structure for Londonderry, the entire thing would just come down to a standard New England
92 building and it would not be his interest to pursue it at that point. De Jong stated that the current building
93 that is on site is at 31 feet and he is proposing 35 feet. De. Jong stated that he would have to seek many
94 different variances from the Planning Board.

95
96 The Council discussed parking for the proposed site.

97
98 Maryanne Joyce, 80 Granite St, stated that she stated that everyone present has so many questions about
99 where, how, what...Joyce stated that maybe a field trip should be planned so that people can get a real
100 visual about what's been talked about. Joyce stated that the way it was all done initially was the reason no
101 one was kind towards it. If it is something small, 30 feet and under, and wouldn't interfere with the lives
102 of the abutters, there would be no problem. Joyce stated that none of the abutters were told. Joyce stated
103 that no one received a letter. The biggest complaint is how high they want the building to be. Joyce
104 suggested that when it goes back to a C-I everyone should sit down and discuss things. Chairman Farrell
105 stated that the process of notifying abutters is changing and now all of the abutters will be personally
106 notified.

107
108 Attorney Ellsworth stated that he represents the association. Attorney Ellsworth stated that all the abutters
109 are welcome to come speak on behalf of this issue, however, they are not speaking for the association.
110 The association opposes the zoning change. That is not saying that the association won't work with de
111 Jong, but there may be some difficulties in doing so because he has a vision. The association will work
112 with de Jong.

113
114 Sharon Reed, 77 Granite St, stated that her whole issue with this is that he bought the property knowing it
115 was zoned only one way. Reed stated that she doesn't know why it was bought zoned the way it was.
116 Council Green agreed with Reeds statement. Councilor Green stated that he doesn't believe the zoning
117 needs to be changed.

118
119 Councilor Dolan stated that it use to be a C-I and it just recent went to a C-IV a few years ago and now
120 it's on the table to go back to what it has been historically. Councilor Dolan stated that he would like to
121 motion to approve Ordinance #2015-02 as presented. Second by Vice-Chairman Butler. Chair votes 3-2-
122 0.

123
124 Councilor Dolan motioned to close the public hearing. Second by Vice Chairman Butler. Chair votes 5-0-
125 0.

126
127 **NEW BUSINESS**

128
129 Chairman Farrell introduced Order #2015-11, the expenditure of Maintenance Trust Fund for various
130 projects. Town Manager Smith stated that this Order is for \$3,627.50 for winter maintenance costs
131 throughout the Town buildings. That also includes and expense for \$1,085.00 for sprinkler pipe repair at
132 the Londonderry Police Department. Motion to approve Order #2015-11 made by Councilor Dolan and
133 second by Councilor Green. Chair votes 5-0-0.

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136 Chairman Farrell introduced the FY15 budget updated presented by Town Controller Doug Smith. Town
137 Manager Smith gave a general overview (**see attached spreadsheet**). Town Manager Smith stated that at
138 the end of March, the Town should be at 75% expended. Smith stated that the current rate right now at
139 the end of March is 76.92% which is 2% over from where the Town should be. The area of overage is in
140 the legal bills. The Fire Department has been running over as well. Town Manager Smith stated that he is
141 implementing a spending freeze of all discretionary spending until the budget is below the expenditure
142 level. Doug Smith went over some revenues the town has collect and has yet to collect yet.

143
144 Town Manager Smith invited Fire Chief Darren O'Brien to come up to do a presentation on the Fire
145 Department budget. (**See attached PowerPoint**)

146
147 Chief O'Brien went through the slides and explained where the fire budget is at this point in time. Chief
148 O'Brien stated that the fire department is at 97% expended in the overtime replacement costs as of today.
149 Chief O'Brien stated that some serious alterations have to be made in order to stay within budget. The
150 Council and Chief O'Brien discussed ways to cut to save money. Councilor Freda asked if the department
151 needed more money, where will it come from. Chairman Farrell directed Town Manager Kevin Smith
152 and Chief O'Brien by Wednesday morning the Council will want some answers as to where they are
153 going to find the \$150,000 to fund the fire department so that they will not have to close Central Station.

154
155 Kathy Wagner, 7 Fiddlers Ridge Road, stated that shutting down central and dropping to seven
156 firefighters is not the answer. Wagner stated that a solution needs to be found.

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APPROVAL OF MINUTES

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159
160 Motion to approve the Town Council minutes from March 16, 2015 made by Councilor Dolan and
161 second by Councilor Green. Chair votes 5-0-0.

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TOWN MANAGER REPORT

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164
165 Town Manager Smith stated that the Musquash Task Force would like an extension for their final report.
166 They were supposed to report back on April 5th with recommendations but they have asked for a little
167 more time, until June 1st.

168

BOARD/COMMITTEE APPOINTMENTS/REAPPOINTMENTS

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170
171 Town Manager Smith recommended Roger Fillio to fill the alternate position on the Conservation
172 Commission. Motion to appoint Fillio made by Councilor Dolan and second by Councilor Green. Chair
173 votes 5-0-0.

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ADJOURNMENT

Motion to adjourn made by Councilor Dolan and second by Councilor Green. **Chair votes 5-0-0.**

Notes and Tapes by:	Kirby Wade	Date: 04/06/2015
Minutes Typed by:	Kirby Wade	Date: 04/09/2015
Approved by:	Town Council	Date: 04/20/2015