

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **March 20, 2017**

2
3 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth
4 Road, Londonderry, NH.

5
6 Present: Chairman John Farrell; Vice Chairman Tom Freda; Councilors Jim Butler, Tom Dolan and Joe
7 Green; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik; Temporary Executive
8 Assistant Stacie Street.

9
10 **CALL TO ORDER**

11
12 Chairman Farrell called the Town Council meeting to order at 7 PM. Chairman Farrell led the Pledge of
13 Allegiance. This was followed by a moment of silence for all first responders in Londonderry and all men
14 and women who serve abroad in the Armed Forces.

15
16 **PUBLIC COMMENT**

17
18 Tim Siekmann, 89 Hovey Road, Mr. Siekmann asked if he should wait to bring this up after Section E on
19 the meeting agenda. Chairman Farrell stated that there would be no public comment during or after Section
20 E so he suggested that the comments be made as long as they did not infringe on the inquiry. Mr. Siekmann
21 stated that his comments did not have anything to do with the inquiry but rather about the election. He
22 wrote it down so he could read it. Chairman Farrell again told Mr. Siekmann that the Town Council was
23 trying to be as fair as possible and without knowing Mr. Siekmann had to say, Chairman Farrell could
24 advise him on how to handle his statement. Chairman Farrell stated that something was brought to the
25 Council's attention and they did what they also do, they set an emergency meeting and that information
26 was sent to the same people they always send it out to. People responded and the Council stayed silent in
27 order to be fair and impartial. Chairman Farrell told Mr. Siekmann that he was trying to help him but
28 didn't know how. Mr. Siekmann responded with his concern that the emergency meeting was called to
29 get this handled right away but the newspapers and news stations were called and this is all over the news,
30 the candidates faces were all over the place before an election saying they could have done something
31 wrong. If it turns out they did nothing wrong, do they get the same media attention saying it's no big deal?
32 5 days of "misconduct" is running through the town, which is campaign manipulation, these men were
33 "slandered" and where is there 5 days of "they did nothing wrong" if it is found out that they didn't do
34 anything wrong. How is this going to be made up? Who takes responsibility? These men didn't even know
35 anything about this until they saw their faces on WMUR. Chairman Farrell reiterated that they sent out
36 the information to the same list that the information always gets sent to. The information was not sent out
37 with a purpose other than to meet state law. Chairman Farrell requested that he be patient and wait for the
38 inquiry to begin and then he gave a preview. Chairman Farrell read: "We are greatly disheartened to be
39 presented with this unfortunate set of circumstances." He reminded Mr. Siekmann that they did not look
40 for this, this news was brought to the Town Council. Chairman Farrell jokingly stated that he thought
41 someone would suggest that he made it snow so that this would happen. He also pointed out that he's not
42 happy about the circumstances either. Mr. Siekmann again commented that the timing was perfect for the
43 "slander" of two candidates who may have done nothing wrong. Mr. Siekmann was concerned that these

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44 two men could lose the election just because people in town heard they may have done something wrong.
45 Mr. Siekmann made reference to the issues with voting on the National level and did not want problems
46 with voting in our town. He then asked why this couldn't have been handled on the emergency meeting
47 phone call, instead of at the March 20, 2017 meeting, with only 12 hours until the town elections. Mr.
48 Siekmann asked again how does this get fixed, how do these 2 men, who are running for Town Council
49 get their names out of the media for "misconduct?" How do you "unslander" someone?

50
51 Chairman Farrell told everyone that the Town Council would follow a process and it would be as fair as
52 possible. He then asked if anyone else would like to add anything?

53
54 Councilor Tom Dolan suggested that "slander" is out of line. He defined slander as a crime of making a
55 false spoken statement that damages a person's reputation. Councilor Dolan stated that he does not believe
56 anyone had done that and he stated that he feels it is inappropriate to accuse the Town Council of doing
57 so.

58
59 Mr. Siekmann agreed, took the word slander back but said it changes people's opinions and he felt he
60 needed to bring it up and make it available so it gets addressed.

61
62 Chairman Farrell hits the gavel to discourage the audience from being disruptive.

63
64 Vice Chairman Freda spoke and suggested he turn the tables, asking what if the men did do something
65 wrong? What if the Town Council was told and they didn't do anything about it, if they didn't inform the
66 voters? Mr. Siekmann agreed they had to do something. Vice Chairman Freda said they have to do things
67 in public as they follow the town's procedure. Mr. Siekmann then had concerns that anyone could come
68 up with accusations 5 days before an election and then the Town Council would have to investigate.

69
70 Chairman Farrell reminded all that there is a procedure that is followed, they followed and they did the
71 best they could with what was handed to the Council at the time. He suggested we try to work through the
72 process, doing what was the fairest thing possible, and then move on.

73
74 Chairman Farrell said if Mr. Siekmann would like to bring up the issue of election fraud, this was not the
75 forum.

76
77 Mr. Siekmann continued and asked again, if these men get wiped out on the election, who gets held
78 responsible?

79
80 Chairman Farrell stated that the Town Council did not put anything on Facebook, talk to WMUR or The
81 Union Leader. Vice Chairman Freda reminded Mr. Siekmann that no Council Member was an accuser in
82 the inquiry. Chairman Farrell then stated that he could not give any answers until the inquiry was held.
83 There could be no answer to Mr. Siekmann's questions because the meeting had to take place first. Mr.
84 Siekmann finished with stating that if the 2 men were found with no misconduct, he wanted an answer as
85 to who was going to make up for all of the negative media attention? Chairman Farrell stated that the

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86 Council would do they best they could.

87

88 Martin Srugis 17 Wimbledon Drive thanked the Council for delaying the vote from last week allowing
89 everyone to safely drive at a later date. Chairman Farrell thanked him for his comment and let everyone
90 know it was the 2 Town Moderators who delayed the vote and his thanks would be passed along.

91

92 Tammy Siekmann 89 Hovey Road wanted it known on public record who called WMUR to make sure
93 they were on the emergency phone call? Chairman Farrell told Ms. Siekmann she was wrong. He told her
94 that when an emergency Town Council meeting is called, the information is sent to a full list of people.
95 The list is always the same. Cathy Bailey, Glenn Douglas, WMUR are all on the phone as they are on the
96 list, all media is on the full list. Chairman Farrell stated thay the phone call started as he was on a drive
97 back from New York City and he surprised to hear WMUR was on the call. He had no idea they were on
98 the call until they replied that they were on the call. The Town Managers office was notified about the
99 meeting and was asked to send out the notification about the meeting so everyone knew the meeting was
100 being held in the public. It was the normal process. Ms. Siekmann asked if the candidates were notified to
101 be on the call since they were the accused. Town Manager Kevin Smith responded to say that they were
102 not personally notified and said that it was a matter for the Town Council and the public, and at that point
103 their names were not a part of the notice that went out. Ms. Siekmann stated that their faces were on the
104 news, so someone had to give WMUR information. Chairman Farrell suggested that WMUR is reporting
105 and the Town Council did not give them information. Chairman Farrell then stated that Vice-Chair Freda
106 read a statement on the phone meeting about the inquiry. Ms. Siekmann wanted it on record that the way
107 this inquiry was handled before an election was unfair and then referred to last year's elections and how
108 she felt that the town had a lot of problems with the way the town handles elections. She thinks that the
109 press should not have been called before the 2 accused candidates were called. She believes that the Town
110 Council is making people not want to run in this town. Chairman Farrell agreed with Ms. Siekmann that
111 this is not a power play and stated that the discussion was at the courtesy of the Town Council. Ms.
112 Siekmann did not want to be told to be quiet and wanted answers. Vice Chairman Freda stated that the
113 Council had given the answer and she just didn't like the answer given. Ms. Siekmann made a final
114 comment that the Council will listen!

115

116 Councilor Tom Dolan read a statement:

117

118 Several accusatory and disparaging comments have and are being made (in some cases by several of you
119 sitting in this room tonight apparently prejudging the motivation of the Town Council). Some examples
120 of documented comments are as follows:

121

122 *Something doesn't smell right here.*

123 *It is a smear before the polls open.*

124 *There may be a rat.*

125 *What is the motivation of this Town Council to go public with this? The only I can think of is to affect the*
126 *vote...*

127 *Leave it to Town Council to try and disparage two Town Council candidates.*

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128 *This is a deliberate smear campaign to the tenth degree by John Ferrell and our Town Council.*

129 *Let's look at the developer and the relationship he has with our town officials.*

130 *I think this happening before the election is way beyond fishy.*

131 *Can you say set-up?*

132 *Sounds like someone is in the pocket of the developers.*

133

134 These comments indicate that some citizens suspect some evil intent to rig the election, to influence a
135 development in favor of the developers, and in fact presume some illegal collusion with developers.
136 Several of the accusations suggest crimes are being committed by the Council. I understand that
137 speculating is part of human nature, but I caution you to allow this investigation to complete. While on
138 the internet I found an interesting story I wanted to offer to you to think about.

139

140 Once upon a time, an old man spread rumors that his young neighbor was a thief. As a result, the young
141 man was arrested. Days later, he was proven innocent. After being released. He sued the old man for
142 wrongly accusing him. In court, the old man told the judge: "Hey, they were just comments, they didn't
143 hurt anyone." The judge, before issuing sentence on the case, told the old man: "write all the things you
144 said about him on a piece of paper. Then, cut it up into little pieces and on the way home, throw the pieces
145 of paper out the car window. Tomorrow, come back to hear your sentence." The next day the judge told
146 the old man: "Before receiving your sentence, I want you to go out and gather up all the pieces of paper
147 that you threw out the window yesterday." The old man said, "I can't do that! The wind spread them all
148 over the place and I won't know where to find them." Then the judge replied, "The same way, simple
149 words and comments may destroy honor of a person to such an extent that a person will not be able to fix
150 it. If you can't speak well of someone, don't say anything at all. Let's all be masters of our mouths, so that
151 we won't be slaves of our words. Gossips are worse than thieves because they steal another person's
152 dignity, honor, reputation and credibility which are impossible to restore. So remember this: when your
153 feet slip, you can always recover your balance but when your tongue slips, you can never recover your
154 words!"

155

156 So let me address some of the sentiment that is apparently brewing: There is suggestion that the Council
157 is in the so-called back pocket of the developers. Personally, I have never met the developers or even
158 know their names. And the Council recently authorized that the developers be approached by the town to
159 see if they would be willing to accept a cash offer from the town to buy the land which would in effect
160 stop the development.

161

162 There is also suggestion that the Council is interfering in the election. Here's a fact: We had a massive
163 winter storm that resulted in the two moderators postponing the election. Had that not happened, this
164 matter would have taken place entirely after the election was concluded. We are now in the possession of
165 important information that has potential implications to the proper execution of Planning Board members'
166 responsibilities. We are here tonight without prejudging the issue. We are here to investigate as our rules
167 and laws require us to. And to hopefully put this matter to rest. I am here with an open mind and I hope
168 you are too.

169

170 End of statement.

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PUBLIC HEARING

171
172
173 Motion to open Public Hearing made by Councilor Green and second by Councilor Butler. Chair votes
174 5-0-0.
175
176 Chairman Farrell introduced Public Hearing on the sale of town-owned property at 68 Hall Rd. to Mr.
177 Jim Taylor. This is the second public hearing.
178
179 Chairman Farrell asked Town Manager Smith if there had been any further developments on this. Town
180 Manager Smith did announce that another inquiry had been received, the information was included in
181 the Council's packet. Town Manager Smith mentioned that the newly interested buyer was interested and
182 then asked if Mr. Taylor would like to speak on the subject.
183
184 Jim Taylor 11 McIntosh Drive. Mr. Taylor stated that when trying to get title insurance he was told by
185 Ken Gould at Patriot Title that he was not able to get title insurance over a tax taking. The best Mr. Gould
186 could do was issue title insurance with the exception that it will not cover any claims under NH statutes
187 regarding tax statements. It was explained that they could receive title insurance until 10 years after the
188 tax taking, there are about 7 years left. Mr. Taylor received this information today and mentioned he is
189 willing to take the chance but wanted to think about it.
190
191 Councilor Green asked if he was withdrawing from the process? Mr. Taylor stated he was not
192 withdrawing he was just nervous.
193
194 Dan Bouchard 8 O'Connell Drive. Mr. Bouchard referred to the process other communities have when
195 a town takes over a property. He used Derry and Troy as examples, both of those towns auction off these
196 types of properties. Mr. Bouchard stated that he wants the town to make the most money they can off the
197 property and he is willing to pay more. The price it is advertised at is a very good deal and he is willing
198 to take a chance on the property. He suggested holding an auction and believes other people would be
199 interested as he received calls from 2 other people who also had an interest.
200
201 Town Manager Kevin Smith stated that the town can auction off property if it wanted to and stated the
202 town has done auctions in the past. He mentioned that it had only been 3 years since the town took the
203 property on Hall Road and Mr. Taylor approached the town. He also stated the reason the town holds 4
204 public hearings is so other people, like Mr. Bouchard, have the opportunity to show interest. Town
205 Manager Smith said it was up to the Council as to how to proceed.
206
207 Councilor Green stated he would like to give it more time. He'd like to publicize and put an end date.
208
209 Councilor Dolan offered another option would be to have a sealed bid process. Given a final date the
210 sealed bids would be open in public and the highest bid wins the property.
211

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212 Chairman Farrell suggested “RFP” and Town Council agreed.
213

214 Chairman Farrell introduced a resolution relative to re-naming of portion of Garden Lane. This is the
215 second public hearing. The first reading was on March 6th. This is the part of Garden Lane that is part of
216 the conditionally approved Woodmont Commons to re-name it to Michaels Way in honor of John
217 Michaels who served this community for so many years.
218

219 Councilor Green asked if there were any concerned residents. Jon Vogl stated that they sent out letters to
220 all of the abutters there was no opposition from anyone. He informed everyone that they were renaming
221 just a portion of the road, from Rte. 102 to the first entrance of Market Basket.
222

223 Motion to approve Resolution #2017-01 Councilor Green First. Vice Chair Freda Second.
224

225 Councilor Dolan recognized that John Michael’s widow was present at the meeting. He expressed his
226 condolences for her husband, John and hope this road memorializes his memory and service.
227

228 Council votes 5-0-0. Motion approved. Chairman Farrell thanked Nancy (John’s wife).
229

230 Motion to close the public hearing made by Councilor Green. Vice Chair Freda second. Council approves
231 5-0-0.
232

OLD BUSINESS

234 None.
235

NEW BUSINESS

237
238 Councilor Joe Green steps down after asking to be removed from the inquiry. Chairman Farrell begins with
239 a statement that for the third time publicly, the Town Council would like to announce that it is opposed to
240 the multi-family housing unit being discussed with the Planning Department and for the second time, will
241 confirm that the developer asked to meet with the Town Council and the Chair expressed the desire for the
242 Conservation Commission to purchase the land. They bought the land for \$750,000 and the town had \$1.7
243 million in the open space account. The developer was reminded that the Council felt it was the wrong place
244 and location for the project. Chairman Farrell also noted that they strongly disagreed with the traffic studies
245 done on the road. In accordance with state laws, the Council cannot have any say in what the planning
246 board does, they can only offer their point of view.
247

248 In regards to section 3.14 of the Town Charter, Town Council inquiry into allegation of improper behavior
249 of Planning Board Members. The Town Council is greatly disheartened that they have been presented with
250 these unfortunate set of circumstances and the timing. We are required to follow the Town Charter, State
251 law and the NH Constitution in accordance with our sworn oaths of office. The most difficult thing is not
252 doing something when you are presented with something, we did not have a choice to do nothing. Chairman

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253 Farrell turned the proceedings over to Vice Chairman Tom Freda. Vice Chair Freda invited Mr. Combes,
254 Mr. Sypek and Mr. Sypek's attorney were given the option to sit at the microphone or to sit in the audience.
255 Both Mr. Sypek and Mr. Combes took a seat at the microphone. The Town of Londonderry attorney, Mike
256 Ramsdell was given the option of handling the inquiry and he suggested Vice Chairman Freda continue on.

257
258 Vice Chair Freda explained that the reason for the inquiry was a concern that Mr. Sypek brought to
259 Chairman Rugg of the Planning Board. Mr. Sypek stated "negative" when he was asked if he agreed with
260 Vice Chairman Freda's statement. Vice Chair Freda asked Mr. Sypek if he had spoken with Mr. Rugg
261 regarding the votes on March 8, 2017. Mr. Sypek said he called Mr. Rugg the next day, because as Chair,
262 he felt he needed to explain to Mr. Rugg why he had changed his vote. During Mr. Sypek's hour long
263 conversation with Mr. Rugg, he mentioned that after the meeting, Ted (Mr. Combes), himself and a couple
264 of other people had gone outside. Some off hand remarks were made. Mr. Sypek said, "Ted said, I probably
265 got 600 votes and he looked at me and said you probably got 600 votes, too, for changing your vote." At
266 that point Mr. Sypek recalls not saying anything because he considered it an off-hand remark, it had no
267 merit. At no time did Mr. Combes tell me he voted one way to get votes. Mr. Sypek stated that he did not
268 change his vote from a "No" vote to a "Yes" vote to get votes and he wanted Art Rugg to know why he
269 changed his vote. Mr. Sypek offered to share his reason for changing his vote. Vice Chairman Freda
270 declined for the moment but Mr. Sypek felt this was a good time to share... Mr. Sypek shared that there
271 was a tie vote. They had 65 days to render a decision, and there had been no request by the applicant to
272 extend that decision. Mr. Sypek felt as though the Board had to make a decision. The vote was tied 3-3 and
273 John stood up and suggested a re-vote. Mr. Sypek the dilemma was that he did not believe that anyone who
274 voted "no" was going to change their mind. He felt that their needed to be a vote of record so he changed
275 his vote.

276
277 Vice Chairman Freda asked Mr. Sypek to explain why his original vote was a "yes" vote. Mr. Sypek said
278 he took an oath and the developers had met all of the requirements so he had to vote "yes" Vice Chairman
279 Freda interjected that even though Mr. Sypek was personally against the development, he voted "yes." He
280 changed to "no" so they would not still be sitting in those chairs with a 3-3 tie. Someone had to change.
281 Mr. Sypek stated that he never spoke of his decision to change his vote prior to changing it, he just made
282 the decision based on a stale mate vote at the meeting. Mr. Sypek said that there was no guidance about
283 what to do in case of a tie vote. All he knew was that the day of the meeting was the deadline for making a
284 decision.

285
286 Vice Chairman Freda asked Mr. Sypek if he recalled what an audience member shouted out after the vote.
287 Mr. Sypek says he did not pay attention or recall "Shame" being shouted out after his original vote of "yes."
288 Mr. Sypek stated that he did not take any public comments into consideration at all when making his vote.
289 He also stated that he didn't really care much for the applause after the re-vote and confirmed that he never
290 makes decisions based on personal feelings.

291
292 Vice Chairman Freda asked Mr. Sypek if he recalled a phone call he had with Town Attorney Mike
293 Ramsdell on March 15th, Mr. Sypek did not recall. Mr. Sypek then stated he remembers talking to Mr.
294 Ramsdell on Friday at which point he was asked specifically if Mr. Combes made any remarks about why
295 he voted or did Mr. Sypek hear any remarks about why Mr. Combes voted "no". Mr. Sypek stated that no
296 one on the board discussed why they voted the way they did. When asked by Vice Chairman Freda if when

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297 referring to Mr. Combes that his “no” vote just got him 600 votes, he reminded the Council that it was just
298 an offhand comment made in the parking lot after the meeting was over. Vice Chairman Freda asked Mr.
299 Sypek again about stating to Mr. Ramsdell that it was Mr. Sypek’s impression that Mr. Combes had voted
300 “no” because it would earn him extra votes in the upcoming Town Council elections. Mr. Sypek had no
301 recollection of this.

302
303 Mr. Sypek was asked if he made a video through One Voice At a Time and if so, what did he say about the
304 upcoming McGregor Cut vote? Mr. Sypek had no idea and was reminded that he said he had to vote “yes”
305 because the developer had dotted all of their I’s and crossed all their T’s. Mr. Sypek agreed that this was
306 consistent with his original vote. Mr. Sypek also agreed that he voted “yes” originally because he had to
307 follow the law and under the law, the ordinance that they applied under, they were qualified to have this
308 ordinance approved. Mr. Sypek stated that the Board all knew this.

309
310 Mr. Sypek argued that he had no advice. He took his best shot. He agreed that he violated his oath and
311 changed his vote for all of the reasons he stated. He wanted the Board to have a legal vote and a decision
312 had to be made that night. No advice was given, no one told the Board what a tie meant. Mr. Sypek stated
313 that he took one for team and changed his mind.

314
315 Vice Chairman Freda asked whether or not he asked Mr. Ramsdell if there could be a tie vote. Mr. Sypek
316 did not.

317
318 Vice Chairman Freda addressed Mr. Combes and asked him if he had a conversation with Mr. Ramsdell.
319 Mr. Combes stated he did. It was a phone conversation. Regarding the statement that Mr. Sypek said Mr.
320 Combes earned 600 votes because he voted “no,” Mr. Combes did not remember saying that. Mr. Combes
321 remembers saying to Mr. Sypek that with Mr. Sypek’s change in vote, he would be more popular and may
322 have earned some more votes for the Town Council. Mr. Combes agreed that he did not really recall the
323 conversation with Mr. Sypek when asked about it, as it was a week or so later. Mr. Combes was reminded
324 that he said, “if he did say it, it was a joke, I didn’t really mean it.” Mr. Combes believed he said it was an
325 off-hand comment and not a joke and perhaps Mr. Ramsdell wrote his quote down wrong. Vice Chairman
326 Freda asked Mr. Combes if he called Mr. Ramsdell back later that day and he agreed that he did. Mr.
327 Combes told Mr. Ramsdell that he remembered that he did have a conversation outside with Mr. Sypek
328 and he said, “With your change of vote, you just got more popular and earned yourself votes for Town
329 Council.” Mr. Combes was asked if he recalled telling Mr. Sypek that he had appeased people by changing
330 his vote. He said he did but felt that by the applause in the room, Chairman Farrell and Councilor Butler
331 would agree that it was pretty clear.

332
333 Vice Chairman Freda asked in regards to his original vote, Mr. Combes felt as though the developer had
334 done all they needed to do to get the permit. Mr. Combes agreed. Mr. Combes was then reminded that he
335 had previously stated that he wanted this to be fought and if the proof was on video then he must have said
336 it. Mr. Combes was asked by Vice Chairman Freda if he also made a One Voice Campaign Video and what
337 was said on it about the McGregor Cut. Mr. Combes stated that there were some transportation issues that
338 the Planning Board should look at. Vice Chairman Freda then asked whether or not Mr. Combes had stated,
339 in the video, that the ordinance under which the developer applied under had met all the criteria for approval
340 and that Mr. Combes would have to vote for that. Vice Chairman Freda offered to share the video so Mr.

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341 Combes could be reminded of his statements. Mr. Combes declined. Mr. Combes then suggested that the
342 Council speak with Ms. Chiampa and Mr. Butler who both voted “no” as well. They will not be spoken to
343 as they are not on the record for this inquiry and Mr. Combes reminded the Council that he did not change
344 his vote. Mr. Combes was reminded that he stated the town was lucky that the developer had conceded and
345 would put in a right hand turn lane, at this time Mr. Combes stated he voted “no” due to the traffic concerns.
346 Despite all professional evaluations, the final decision of the Board was that there were traffic safety issues.

347
348 Chairman Farrell added that Mr. Combes may be unaware of some of the information that Mr. Butler
349 presented about additional traffic questions brought forward by new members from the police department.

350

351 Chairman Farrell asked Mr. Sypek and Mr. Combes if they had any questions.

352

353 Councilor Dolan asked if the Planning Board was unaware that a tie vote is a non-pass. Mr. Sypek said he
354 was not and no one offered guidance. Mr. Combes agreed that he was unaware of that as well.

355

356 Vice Chairman Freda confirmed with Mr. Sypek that he called Mr. Rugg just to talk about things and that
357 he happened to mention the conversation with Mr. Combes. Mr. Sypek confirmed this and stated that Mr.
358 Rugg had no concerns at the time. Mr. Sypek stated that if someone had told him what a tie vote was, he
359 would have done nothing.

360

361 Chairman Farrell offered that something he struggles with as a Town Councilor, no matter where he is in
362 town, he must always be aware of what he says in public, everything has consequences. He reminded both
363 Mr. Sypek and Mr. Combes that the circumstances and timing were unfortunate. Mr. Sypek stated that he
364 understands and has no issue with the Council requiring an inquiry.

365

366 Vice Chairman Freda asked both men how the public knows they can trust them. Mr. Sypek was insulted
367 and stated it was not his preference to vote “no,” which reflects his earlier “yes” vote. He then asked for
368 better education in what a tie vote means.

369

370 Councilor Dolan made the suggestion that members of Boards/Councils are required to excuse themselves
371 from the vote if they cannot make a vote based on what is presented without having some conflict. What
372 was presented to this Council for this investigation was that there may have been votes taken that weren't
373 based on the facts of the case they were based on getting something in return. In this case, several hundred
374 votes in the election, which would be improper.

375

376 Chairman Farrell asked if Mr. Sypek and Mr. Combes if they were aware that they had an ordinance with
377 the town codes of ethics. Both men responded yes. They both agreed to having read it when they were
378 sworn in. Chairman Farrell said he wanted to be fair and not conflicted in this but stated that what is being
379 stated at the inquiry and what said on the phone are not the same thing. He stated that he doesn't believe
380 that either men meant anything by what was said but the Council was put in a bad position. Mr. Sypek
381 wanted the record to show that he did not say anything about the vote affecting the election. Chairman
382 Farrell asked if either man said anything about their vote getting 600 votes in the upcoming election and

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383 both men said they did not.

384

385 Vice Chairman Freda asked if there was anything else and Mr. Sypek asked for a phone call the next time
386 that he was accused of something. He would prefer not to read about it in the news. Mr. Combes added that
387 he agreed and confirmed again that he did not vote the way he did just to get votes.

388

389 At this time, Councilor Dolan recommends that Mr. Ramsdell reviews the investigation with the Planning
390 Board to discuss if any action should be taken.

391

392 Chairman Farrell stated the town charter does not allow for the Planning Board to make this decision and
393 in fairness to Mr. Sypek and Mr. Combes, he felt a decision should be made tonight. He did not want either
394 men to be affected negatively by anything the Town Councilors said.

395

396 Chairman Farrell moved for an RSA-91 A, to hold a non-public meeting to discuss, what, if any actions
397 would be taken. He did allow for public comments or questions. Attorney Ramsdell made both men aware
398 that they were entitled to decline the RSA-91 A if they preferred to hear the discussion. Both Mr. Sypek
399 and Mr. Combes agreed to the non-public.

400

401 Motion to go to a non-public made by Councilor Dolan. Second Councilor Butler. 8:05 PM

402 Motion Approved 4-0-1

403

404 At 8:19, Chairman Farrell, Vice Chairman Freda, Councilors Dolan and Butler, Town Manager Kevin
405 Smith, Assistant Town Manger Lisa Drabik, Town Attorney Michael Ramsdell and Executive Assistant
406 returned to Moose Hill Council Chambers. Chairman Farrell asked for everyone to return to their seats and
407 the Public Hearing was brought back to order.

408

409 Chairman Farrell began by wishing Mr. Sypek and Mr. Combes the best of luck in the March 21st elections.
410 He reminded the men that when serving on a Board, there are responsibilities and words can have
411 consequences.

412

413 Vice Chairman Freda made a motion to terminate the inquiry based upon the lack of finding a violation of
414 the ethics ordinance. Councilor Butler Second. Approved 4-0-0

415

416 Chairman Farrell confirmed that the inquiry was terminated and asked if there were any questions. No
417 questions were asked but Mr. Sypek thanked the Council for doing what they had to do.

418

419

420

421

422

LONDONDERRY TOWN COUNCIL MEETING MINUTES

APPROVAL OF MINUTES

423
424
425 Approval of Town Council minutes from March 6, 2017 made by Councilor Butler and second by Vice
426 Chairman Freda. Chair votes 4-0-0.

427
428 Councilor Joe Green returned to his seat on the Town Council.

429
430 Town Manager Smith reminded the Chairman Farrell that there were minutes to approve from the
431 emergency meeting.

432
433 Motion to Approve the minutes from the emergency meeting held on March 16, 2017 was made by
434 Councilor Dolan. Second Vice Chairman Freda. Approved 5-0-0

435
436 Town Manager Kevin Smith made a statement in regard to the notification process. When the Council
437 decided to hold the emergency meeting, a notification was sent out in the normal way. In this case, we
438 had 30 minutes to notify the public. It went out on social media and it went out to various press outlets.
439 He explained the reason no one was individually notified was because no names had been mentioned.
440 The emergency meeting was called to see whether or not there was authorization to investigate the
441 allegations. Notification went out the morning after authorization was given. In hindsight, Town
442 Manager Smith said he realizes that the individuals should have been contacted and he took responsibility
443 for that.

444
445 Chairman Farrell asks for no interruptions as there is some shouting and audience comments being said
446 out loud.

447
448 Chairman Farrell told the public that if anyone wanted to know where the names came from, it was in the
449 minutes from the emergency meeting and those are public.

450

LIAISON REPORT

451
452 None

453

BOARD/COMMITTEE APPOINTMENT/RE-APPOINTMENT

454
455 None

456

TOWN MANAGER REPORT

457
458

459 Town Manager Kevin Smith started with the Aviation Museum, which is looking to do a fundraiser on a
460 date which has not been set. They would like the fundraiser to include a raffle which requires town approval
461 or permit. According to state law, the permit can be authorized by a designee and Town Manager Smith
462 requested that the Town Council make him the designee, giving him the authority to make these types of

LONDONDERRY TOWN COUNCIL MEETING MINUTES

463 approvals.

464

465 Councilor Dolan made a motion to give the Town Manager the authority to approve raffles fundraisers.
466 Second Vice Chairman Freda. Motion Approved 5-0-0

467

468 Town Manager Smith talked about his committee meeting to plan the 300th Anniversary of the Nutfield
469 Celebration that will be held in 2019 commemorating the towns of Windham, Derry and Londonderry (as
470 Nutfield). Progress is being made but they are looking for volunteers for various subcommittees. Interested
471 volunteers should contact the Town Managers office.

472

473 Town Manager Smith's final news shared was about his and the town's executive assistant, Kirby Wade,
474 gave birth to a beautiful boy yesterday. Charlie Gregory Brown ☺ Mom and baby are doing wonderful.
475 Dad is elated. Congratulations Kirby!!

476

477

ADJOURNMENT

478

479 Motion to adjourn made by Councilor Dolan. Second Vice Chairman Freda. Motion Approved 5-0-0

480

481 Chairman Farrell reminded everyone that the polls open at 7 AM on March 21, 2017.

482

483	Notes and Tapes by:	Stacie Street	Date: March 20, 2017
484	Minutes Typed by:	Stacie Street	Date: March 21/22, 2017
485	Approved by:	Town Council	Date: Date of next Council meeting