

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **August 11, 2014**

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

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

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10 **CALL TO ORDER**

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12 Chairman Dolan opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for all those
13 who serve us here and abroad.

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15 **PUBLIC COMMENT**

16 Chairman Dolan stated that there was a rather full agenda. Chairman Dolan gave the floor over to Councilor Farrell for a
17 comment. Councilor Farrell stated that he has a statement that he would like to read that he has not shared with the other
18 Councilors. Councilor Farrell stated that recently on social media, a site known as Facebook, some comments have been
19 posted and shared regarding the Londonderry Fire Department. The comment he would like to call to attention is that we
20 want to educate the community with the facts. Councilor Farrell stated that today's operation at the Fire Department consists
21 of four Battalions, with ten members per shift. The members are on duty approximately two days a week. Councilor Farrell
22 stated that another fact that he would like to share is that the Town made an offer to the Firefighters collective bargaining
23 unit. During recent negotiations between the Town and the Firefighters, the Town extended the following offer. Move from
24 four Battalions to three Battalions. This would increase to thirteen or fourteen people per shift and there would be no change
25 in hours. Councilor Farrell stated that the Town offered a 1.8 percent increase in wages and no changes to any other
26 employee benefits. This was offered as a one year agreement. Councilor Farrell stated that the offer was made in good faith.
27 It was determined with the fire chief that it would meet the needs of the department and they would probably never drop
28 below ten per shift. Councilor Farrell stated that this offer was rejected within five minutes by the Firefighters
29 representatives. Therefore it was not presented to the member ship for a vote. Councilor Farrell stated that the overall cost of
30 this offer would increase the fire department by a few percentage points. Councilor Farrell stated that under this plan the
31 members could be scheduled up to three days a week, one or two times a month. Councilor Farrell stated that also the Town
32 is currently advised by the labor legal counsel to work the collective bargaining units on one year agreements. The reason is
33 that we as well as many others do not understand the cause and effect of the 'Affordable Healthcare Act', or otherwise known
34 as Obamacare. Councilor Farrell stated that as the new law is learned, the Town will work with the units through the Town's
35 negotiating team which is led by the Town Manager. Councilor Farrell stated that providing safety to the community is his
36 number one priority. Councilor Farrell stated that he personally believes that the Town has done everything possible to offer
37 fair and professional solutions. Councilor Farrell stated in closing that no alternative solutions or offers have been made to
38 the Town by this unit.
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41 Chairman Dolan invited up Jason Grosky, candidate for County Attorney. Chairman Dolan reminded the crowd that with the
42 New Hampshire Primary right around the corner, the Town Council has allowed several political candidates to share their
43 thoughts with the citizens of Londonderry; The Town Council does not politically endorse or support any candidates
44 regardless of party or office. Grosky introduced himself and thanked the Council for giving him a few minutes to speak.
45 Grosky stated that he is a Persecutor down in Salem. Grosky stated that he lives down in Atkinson with his wife and three
46 kids. He is an active member of his community, the Greater Timberlane, Salem community. Grosky serves on the school
47 budget committee as an Atkinson Elected Representative for the Timberlane School District. His most important role is as a
48 seventh grade football coach for the Timberlane Tornados. Grosky stated that he also serves on the Board of Directors for
49 Timberlane Junior Football. Grosky stated that he is also member of the Greater Salem Rotary Club and the President of the

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50 Greater Salem Bar Association. Grosky has been Prosecutor for the Town of Salem for the past five years. Salem is the
51 busiest law enforcement agency in Rockingham County. Grosky stated that he got his start as a Prosecutor in Lynn,
52 Massachusetts. Salem is on the frontlines of everything that is going on down around the State boarder. Grosky stated that the
53 thing that is a great concern to him and anyone is the amount of heroin that is moving from Massachusetts up through New
54 Hampshire. It is greatly impacting lives and the safety of the people in the community. Grosky stated that it is concerning to
55 him the dark cloud that has been hanging over the Attorneys Office with questions about different management decisions and
56 things that have happened over time. Grosky stated that the thing that concerns him as a Prosecutor is that people should be
57 able to look to their County Prosecutors office as a place that they see at all times as operating on the up and up. Grosky
58 stated that from his perspective, his biggest goal in running for County Attorney is to restore credibility to that office and try
59 to give the office a fresh start. Grosky stated that he wants to make sure the office is focused on the worst of the worst and
60 that we are paying close attention to those people who pose the greatest threat to the public. Grosky stated that that doesn't
61 mean that we ignore the remaining ninety to eighty-five percent of the cases, but you need to be very specific and careful
62 about how you are putting your attention and resources. Grosky stated that he does not like wasting money and he doesn't see
63 a need to prosecute a case for a year. Grosky stated that the County Attorney's office is a place everyone should have
64 confidence in. There were no questions from the Council. Chairman Dolan thanked Grosky for coming in.

65
66 Chairman Dolan invited up Dottie Grover to discuss an update on the dog park. Grover stated that she first came before the
67 Council about the dog park in 2011. Grover stated that it has been a long process. Grover stated that Councilor Farrell was
68 Chairman at the time and had told her that is sounded like a great idea and to go forward with it. The Town Council has said
69 that the study committee was a great idea. That's when it became the Dog Park Study Committee. There have been a number
70 of people over the past few years who have wanted to be members of the committee. Grover stated that GIS Manager John
71 Vogl gave the committee a list of properties in Town that can be viable to dog park sites. Grover stated that Cindy Eaton has
72 prepared a brief report. Eaton will discuss with the Council what properties have been looked at and why they were taken off
73 the list.

74
75 Cindy Eaton, 16 Clark Rd, stated that the committee was given a list of six potential sites by the Planning Department. Of the
76 six sites, site one was 50 Sergeant Rd. That is an abutting field next to the LAFA fields. Site two was 259 Mammoth Rd,
77 which is the Town Forest area. Site three was 268B Mammoth Rd, which is just behind the Town Hall. Site four was 94 West
78 Rd, behind the soccer fields on West Rd. Site five was 30 Sanborn Rd, which is by North School in the north end of Town.
79 Site six was 227 High Range Rd, which is in the Musquash Conservation area. Eaton stated that there were two other
80 possible sites that were looked at. One on South Rd, which is a conservation area and Auburn Rd. which was the old
81 environmental cleanup area. Site five is under consideration, the Sanborn Rd. Eaton stated that all of the other sites were
82 illuminated after much investigation and discussion. Eaton stated that site one was investigated and it was discovered that
83 permission was needed from the FAA, the owners of the land, to use the land. Eaton stated that the FAA denied the
84 application due to possible use by the government in the future. Site two, the Town Forest is under the management of the
85 Heritage Commission and it was discussed with them and a dog park is not considered in the plan for this parcel of land. Site
86 three, which is behind Town Hall, would require considerable clearing and grading. Parking would be an issue because of its
87 proximity to Town Hall, Police Department and Library. Site four was behind the soccer fields on West Rd. Eaton stated this
88 was illuminated due to lack of access to the land during winter months. Site six, the Musquash area, Eaton stated that hunting
89 is allowed on that site, so it would not be an appropriate area for a dog park. Site seven, was South Road, which is too close
90 to abutters and there was concern for enough parking. Eaton stated that site eight, Auburn Rd, traffic and parking were
91 concerns here as well. Eaton stated that the only site that the committee feels comfortable with now is the Sanborn Road site.
92 Eaton asked the Council if they had any questions. Chairman Dolan asked if on the Auburn Rd site, the lack of parking the
93 primary issue there. Eaton stated that it seemed as though there were a lot of people that saw that land being used for other
94 things.

95
96 Grover stated they all agree that Sanborn Rd is the best situation for a dog park. Grover stated that the land is flat and the
97 growth is not too dense. Grover stated that it would be a plus if the senior housing went on that site. Grover stated that they
98 looked at all of the other options that had been presented. Grover stated that some of it was neighborhood issues. Grover stated
99 that recently, Councilor Green and Al Baldassaro both got in touch with the committee to let them know that the Elder Affairs
100 Committee had been talking about this, and they felt that it would be a good place. Grover stated that since that time what has
101 been looked at is the actual locating of that site on Sanborn Rd. Grover stated that there are a couple things up there that do
102 need to be looked into further. Grover stated that they need to have a good idea at exactly what the boundaries are on the
103 wetlands that are there and on the flood plains. Grover stated that they also need to figure out what can be done on these flood

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104 plains. Grover stated that they spoke with the EPA back when it was first considered a few years ago and ViroSense about
105 monitoring the land. Grover stated that they both thought that a dog park was a legit use of the property and it would not be a
106 problem based on the pollution issues that are being dealt with. Grover stated that she knows they will need the Councils
107 permission to move forward. Chairman Dolan stated that at this point what would be appropriate is for the committee to take
108 some details comments or plans to the Town Manager and have the Town Manager meet with John Vogl. Chairman Dolan
109 stated that he suggests they work together a proposal to bring back to the Council. There could be some issues that involve
110 some expenditures, signage and so forth. Chairman Dolan stated to Town Manager Smith that he can propose to the Council
111 whether or not he recommends it as an appropriate site and what cost, if any, will be associated with this in terms of startup
112 and future maintenance. Councilor Green stated that he and John Vogl had met and there are some concerns as to what they
113 will be using as you get close to the flood plains. Councilor Green stated it has to go through the Planning Board as well.
114 Grover state that they are not looking for an ok to build from the Council; they are looking for an 'ok we can agree that this is
115 a good place for you to continue to look at'. Councilor Farrell suggested for the committee to ask for a consensus from the
116 Council to direct the Town Manager to have the Planning staff work with the Dog Park Committee. Chairman Dolan asked if
117 it was ok with the Council. The Council stated yes. Grover agreed to working with the Town Manager and seeing where things
118 go from there. Grover asked the Council if they should continue to go forward as a study committee or are they in charge now.
119 Chairman Dolan stated that it is still at the study stage until more information is collected. Grover stated that the committee
120 has always said that they want to do as much of this as they possible can with money that they raise, but right now they are not
121 in the position to go out and start raising money until they have a site. Chairman Dolan stated that that should be discussed
122 with the Town Manager, and we can see if there is a source and how much it's going to be to get started.

123
124 Chairman Dolan invited up Vinny Curro and members of the Londonderry Fire and Police Department to talk about the Child
125 Passenger Safety Program. Vinny Curro, 103 High Range Road, Brad Warner, Londonderry Police Department, Julie
126 Dietrich, Manchester. Curro stated that they have reached a milestone. They started the Child Passenger Safety Program in
127 May of 2001. The quarterly report was just recently completed in June and they have surpassed two thousand car seat
128 inspections. Curro stated that he and Warner took the class not knowing each other and the program was started together.
129 Curro stated that what is unique about their program is that they incorporate the fire department, police department and the
130 community volunteers. Curro stated that it is a great collaborative effort. Curro stated that they have a voicemail box at the
131 Londonderry Police department. Curro thanked the Town Council and members of the community for the continual support.
132 Safety Day is September 27th. Last year they did thirty-three seats and donated nine seats. They took six out of service that
133 were expired. Chairman Dolan thanks Curro and the program members for all that they do and all the lives they have saved.

134
135 **[CROWD CLAPS]**
136

137 Chairman Dolan opened up the floor for any general public comment on any topic.

138
139 Reed Clark, Stonehenge Road, stated that he is here for two reasons. One is a commercial. Clark stated that this week is Old
140 Home Day week. Wednesday for Senior Citizens, Thursday for children, Friday for the big Hart/O'Brien baseball and
141 fireworks and Saturday is the parade and seventy-seven booths on the Common. Clark stated that the other reason he is here is
142 the Old Home Day parade shirts for the Council.

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144 Ann Chiampa, 28 Wedgewoord Dr, President of the Londonderry Historical Society, invited the Council and members of the
145 general public down to the Morrison House for Old Home Day. There will be Colonial actors.

PUBLIC HEARING

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149 Motion to open Public Hearing made by Councilor Farrell and second by Councilor Green.

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151 Chairman Dolan invited up Mr. Dudek and his Attorney, Attorney Pat Pantciocco. Chairman Dolan stated that it has come to
152 the Councils attention that because of the Federal Lawsuit that is proceeding through the process right now, there will be some
153 information that will become available on the 27th of August as Mr. Dudek presents his response. Chairman Dolan stated that

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154 the Council would like to have the benefit of the information prior to moving forward so what the Council would like to
155 consider is to jointly decide to postpone or continue this hearing to the next Council meeting on the 8th of September. Attorney
156 Pat Pantciocco asked the Council if the information can be shared. Chairman Dolan stated that the information won't become
157 available until the 27th. Attorney Mike Ramsdell stated that the answer is due in the Federal Case on August 27th. Councilor
158 Green motioned to continue the Public Hearing until the 8th of September. Second by Vice Chairman Butler. Chair votes 5-0-0.

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160 Motion to close Public Hearing made by Councilor Freda and second by Vice Chairman Butler.

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OLD BUSINESS

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NONE

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NEW BUSINESS

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168 Chairman Dolan introduced Order #2014-17, an expenditure of maintenance trust funds for various projects, such as the
169 interior painting of the Director of the Senior Center's office and the front entry room. Town Manager Smith stated that the
170 total cost is \$1,600. Councilor Green read Order #2014-17. Councilor Green moved to accept Order #2014-17. Second by
171 Councilor Freda. Chair votes 5-5-0.

172

173 Chairman Dolan introduced Order #2014-18, a distribution of public works department garage improvements. Steve Cotton
174 and Janusz Czyzowski to present. Cotton stated that it went to the voters in March and funding was received of \$180,000,
175 along with some other PO's the Public Works Department had. Cotton stated that they went out for bids to build the much
176 needed employee PW garage at the 120 High Range Rd site. They had thirteen vendors show up, and of the thirteen vendors
177 they received four quotes ranging from \$225,195 to \$447,956. Cotton stated that tonight they are coming to the board asking
178 to go with Commercial Solutions. They came in with \$225,195, to build the forty by fifty building that will properly house the
179 Public Works employees. Councilor Freda read Order #2014-18 and stated that there is an amendment required in the first
180 'whereas', where it states the 'town meeting', it should be changed to the 'deliberative session'. Cotton stated that is correct.
181 Councilor Freda motioned the Order after amendment was made. Second by Councilor Farrell. Chair votes 5-0-0. Councilor
182 Freda continued to read the Order. The Londonderry Town Treasurer is ordered to expend \$180,000 from the Public Works
183 Department Garage Improvements Article 7, approved March 2014 at the Town Meeting and \$75,000 from the Department of
184 Public Works Operating Budget for the total sum of \$225,000. Councilor Freda motion to approve Order #2014-18. Second by
185 Councilor Green. Chair votes 5-0-0.

186

187 Chairman Dolan introduced Resolution #2014-01, a resolution relative to designating the Local Byway Advisory Committee.
188 John Vogl, GIS Manager, stated that late last year the Town received notice from New Hampshire DOT that the 'Apple Way'
189 was endager of losing its designation as a scenic byway. There are two reasons for this. Vogl stated one was there was no
190 byway advisory committee in place and the other is that the 'Apple Way' plan had become expired. The Planning Department
191 will be working with the Southern New Hampshire Planning Commission to update the plan. Vogl stated that he has been in
192 front of the Heritage/ Historic Committee twice. Councilor Farrell motioned to approve the first reading. The Public Hearing
193 will be taking place on September 8th. Chair votes 5-0-0.

194

195 Chairman Dolan jumped ahead to Ordinance #2014-04. A first reading tonight and a Public Hearing will be scheduled.
196 Councilor Freda read in Ordinance #2014-04. Councilor Freda stated that this Ordinance is being read in tonight to add a
197 nepotism and conflict of interest policy to the Town Ordinance to bring the Town in line with the Federal and State
198 Government provisions. Councilor Freda motion to approve the first reading. Second by Councilor Farrell. Public Hearing will
199 take place on September 8th. Chair votes 5-0-0.

200

201 Town Manager Smith gave a Pettengill Road update. Smith referred to the PowerPoint Pettengill Road schematic from TF
202 Murran. Smith stated that all of the utilities for the area, with exception of sewer, will be paid for by the developer. It was

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203 service the entire roadway. Smith referred to certain areas on the plan. Smith stated that what the Town has agreed to if the
204 Council endorses this this evening is the Town would construct one, the sewer facilities. Smith stated that these will be paid
205 for out of the Town's Sewer Access Fee account. Smith stated that the Pettengill Road project initially was built as a twelve
206 million dollar project. A four lane roadway, two in each direction. Eight million dollars for the roadway and four million
207 dollars for the sewer facilities. Smith stated that this will be a two lane roadway to begin with. It will be designed to be built
208 for four at some point if it is needed. Smith stated this portion is about five million, four hundred and forty seven thousand,
209 four hundred and forty dollars, of which the Town will be contributing in total, one point six million. The Town will also be
210 applying for the CCDBG Grant to help offset the costs to see if it can be lowered for the Town. Smith stated that the other part
211 of the agreement address the traffic lights. There is another set of lights that the developer will be paying for at the westerly
212 end, where Pettengill meets with Industrial Drive. The Town will be using money from the TIF account to reimburse the
213 developer for the lights. Smith stated that the lights are important because they do not know how far in the future they will
214 need the extra roadway to service this area. Smith stated that the Town Attorney is recommending that the Council give its
215 endorsement for the Town Manager to sign off on these agreements. Councilor Freda stated that the Sewer Funds are not
216 raised from taxes, they are user fees. Councilor Freda also stated that the two hundred and fifty thousand for the lights would
217 be out of the TIF funds, which would be the increment over what the current tax rate is that area. Smith stated that that is
218 correct. Councilor Freda stated that it is two hundred and fifty thousand dollars of future money that the Town would not get if
219 the project doesn't go forward. The Town will not receive eight hundred thousand a year if the project doesn't go forward,
220 which is the critical part of this. Smith stated that is correct. Motion to authorize the Town Manager to sign the agreements as
221 long as they represent to substantial change made by Councilor Farrell. Second by Councilor Freda. Chair votes 5-0-0.

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223 Chairman Dolan skipped ahead to approval of minutes to wait for the Recreation Commission to discuss the Recreation
224 Ordinances.

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226

APPROVAL OF MINUTES

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228 Motion to approve the minutes from July 21, 2014 made by Councilor Farrell. Second by Councilor Freda. Chair votes 4-0-0.
229 (Councilor Green stepped out of room)

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LIAISON REPORTS

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NONE

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TOWN MANAGER REPORT

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237 Town Manager Smith gave an update on fireworks. Smith stated that at the last meeting a resident came in whom, he and a
238 number of his neighbors were dealing with an issue of one of their neighbors frequently lighting off fireworks. Smith stated
239 that a meeting was held with the neighbors and Fire Chief. Smith stated that right now there is a permit in place but only for
240 folks who are going to be lighting off large quantities of fireworks. Smith stated that there are a number of safety regulations
241 that go along with lighting off fireworks. Fireworks cannot be discharged closer than seventy-five feet from any combustible
242 structure. Smith stated that one of the suggestions that was made for the permitting process was requiring anyone who is going
243 to light off fireworks, to get a permit no matter how many they have, and to limit the number of permits that can be given in a
244 certain time frame. Vice Chairman Butler asked if there was a time restriction. Smith stated the Council can put one on if they
245 would like. Chairman Dolan gave Smith the direction to put together a written rule to bring back to the Council after Legal
246 looks at it.

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248 Chairman Dolan went back to New Business

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NEW BUSINESS CONT.

Chairman Dolan introduced Resolution #2012-14 (A) and Resolution #2012-19 (A). Councilor Green stated that there are many sports offered in Londonderry but there are few that have two groups that do the same sport. Councilor Green stated that at one point the Recreation Commission felt that it was necessary to have two groups sanctioned, which is unusual. Councilor Green stated that an exception was made because there was a need for one group to be in control of recreation and one group to be in control of travel. Councilor Green stated that the Recreation Commission has given the Council two write-ups to amend the Resolutions. Councilor Green read the specifics of the Resolutions. Town Manager Smith stated that there should be, where it says the second whereas on both of the Resolutions, 'Town Council adopted CI', Smith stated that it should be XI. Councilor Green stated that he amends his first reading. Second by Vice Chairman Butler. Councilor Green stated that in Resolution #2012-19 (A), the Recreation Director asked to have the definition changed to instead of 'participants are over the age of eight' to amend it to 'participants are over the age of eight years of age or older'. Councilor Green stated that he is the Vice President of Londonderry Youth Soccer Association so he will be recusing himself from voting. Motion to accept both Resolutions as amended made by Councilor Freda and second by Vice Chairman Butler.

There was no discussion among the Council.

Tod Ellis, 298 High Range Road, stated that he sits on the Board of Londonderry United, the travel organization. Ellis stated that there has been much discussion regarding soccer this past year. Ellis stated that he agrees with everything except the age of when kids can start travel. Ellis stated that a program was put into place where U7 and U8 were traveling. Ellis stated that the age really keeps kids from being able to play, having to be eight and over. Ellis stated that they would need to turn six after August first and that would constitute U7. Chairman Dolan stated that Ellis needs to make his arguments about the age to the Recreation Commission. Ellis stated that he understands. Chair votes 4-0-0.

Councilor Green introduced Ordinance #2006-08 (A). Councilor Green read in the Ordinance. Councilor green motioned to accept the first reading. Second by Councilor Freda. Councilor Freda asked why it is effective six months from the adoption date. Will it be skipping this season. Councilor Green said that is correct. Chair votes 5-0-0.

APPOINTMENT/REAPPOINTMENT

Chairman Dolan invited up Ann Chiampa, a candidate for the Alternate position open with the Londonderry Planning Board. Chiampa thanked the Council for giving her an extension on her interview as she was dealing with some family issues. Chiampa stated that she was born in Manchester and raised in the Derryfield Section on the southeastern side of the city. Chiampa stated that she has lived here now for twenty four years. She graduated from UNH and became a typeface designer, editor and supervisor for three major corporations, Centronics, Compugraphic Corporation and Agfa Corporation. Chiampa stated that she also volunteered as a Girl Scout leader for seven years for Troop 16 out of Matthew Thornton School. Chiampa stated that she has taken the real estate agent certification course and appraisal courses, classes in architectural drafting, cabinet making and sign carving. Chiampa stated that she is the President of Londonderry Historical Society right now. She is also a member of the Heritage Historic District Commission. Chiampa stated that she hopes the Council will seriously consider her application for a seat on the Londonderry Planning Board.

Councilor Green recommended the Council to appoint Ann Chiampa to the alternate position on the Planning Board. Second by Councilor Freda.

Councilor Farrell stated that he is a little confused by something. The Council got a number of e-mails saying that the candidate was going to get legal advice on what to do yet Chiampa stated that she asked for an extension due to family issues. Councilor Farrell stated that he was a little perplexed by what was said and what was read. Councilor Farrell asked to evoke Councilor privilege and move it to the next meeting because he would like an answer to that question. Chairman Dolan stated that the item will be moved to the agenda on September 8th. Councilor Farrell stated that he has heard two different things.

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ADJOURNMENT

Motion to adjourn made by Councilor Farrell and second by Councilor Freda. **Chair votes 5-0-0.**

Notes and Tapes by:	Kirby Wade	Date: 08/11/14
Minutes Typed by:	Kirby Wade	Date: 08/17/14
Approved by:	Town Council	Date: 09/08/14