

LONDONDERRY TOWN COUNCIL MEETING MINUTES

May 17, 2021

The meeting took place in the Moose Hill Council Chambers, 268B Mammoth Rd, Londonderry, NH 03053.

Present: Chairman John Farrell; Vice Chairman Joe Green; Councilor Jim Butler, Tom Dolan and Deb Paul; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik; Executive Assistant Kirby Brown

CALL TO ORDER

Chairman Farrell called the Town Council meeting to order. This was followed by the Pledge of Allegiance. Chairman Farrell stated that he attended the police award ceremony prior to the meeting. This was followed by a moment of silence for our country, especially those who serve us here in Londonderry.

PUBLIC COMMENT

Kirsten Hildonen, 17 Sutton Place, current president of the Londonderry Historical Society. Hildonen stated that the Historical Society applied for and got the Morrison House onto the state registry of historical places. This is the forth property in Londonderry on the registry. Hildonen gave a background on the Morrison House.

Police Chief Bill Hart introduced new Police Officers; JR Valenti, Building & Maintenance; Officer Joanna Phan, Dispatcher Sophie Bartlett, Officer Corey Ford, and Tom Roy from the IT Department. Chief Hart stated that its great work by all.

Marge Badois, 189 Litchfield Rd, Conservation Commission, asked for an update on the lawn watering restrictions. Chairman Farrell stated that there will be an update tonight but we have moved out of drought status.

Chairman Farrell read two proclamations into the record for National EMS Week and National Police Week.

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PUBLIC HEARING

Motion to open Public Hearing made by Vice Chairman Joe Green and second by Councilor Dolan. Chair votes 5-0-0.

Chairman Farrell introduced Ordinance #2021-01, an Ordinance relative to an amendment to the Zoning Ordinance to rezone 271 and 275 Nashua Rd, Map 2, Lots 28-10 and 29-11. Town Planner Colleen Mailloux presented.

Mark Gleason, 19 Rossini Rd, stated that he is an abutter and he has no problem with Mr. Tate and he's been a great neighbor and there has been no problem with the business. However, the zoning change follows the property and not the owner and his concern is what will happen if he ever sells. The wetlands also abut his property. Gleason stated that they would like to see him granted a variance so he can keep doing his business.

Pat Panciocco, attorney for the property owners, stated that the house is mainly used for residential uses but he does store antique vehicles.

Mailloux advised the Council what uses were permitted in a C-II.

Vice Chairman Green asked if a variance is possible. Mailloux stated that it would be an option to apply for a variance for the use or criteria. The drawback is that if it is a home occupation, there is no additional review in terms of Planning Board, storm water, making sure other site criteria is met. That would go through the Zoning Board.

Pat Panciocco, 392 Spawford Rd, Auburn, stated that she understands where it is coming from but we haven't touched upon how the surrounding properties are zoned. Panciocco stated that there are many visible businesses from this property. Panciocco stated that directly across the street is a mix of C-I and C-II. The reason C-II was chosen is that there is more control over the storm water, the property and it's a longer permitting process. He is just trying to make his business okay with the town.

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67 Julie Christensen-Collins, 23 Rossini Rd, stated that she also abuts the property. She echoes
68 Mark Gleason's comments as to what would happen to the property if they ever move.

69
70 The Council discussed the options and decided that the property owner should get a variance
71 from the Zoning Board. Vice Chairman Green stated that changing the property to a C-II
72 zone is not needed. The Council tabled the Ordinance until the applicant can go to the ZBA
73 and if it fails the ZBA it can come back to the Council. Motion to table made by Vice
74 Chairman Green and second by Councilor Butler. Chair votes 5-0-0.

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76 Chairman Farrell introduced Resolution #2021-10, a Resolution relative to the adoption of
77 Exit 4A Area TIF District. Town Manager Kevin Smith presented.

78
79 Richard Belinski, 89 Hall Rd, stated that he has a few concerns with it. All a TIF district is
80 welfare for the rich. Belinski asked why taxpayer money is being put into this since it is all
81 being developed. Belinski stated that if it was a housing department, they would put it in as
82 part of their development cost, so why do we keep putting taxpayer money into private
83 development. Belinski asked if there was a list that is considered infrastructure. Belinski
84 stated that it's nothing more than corporate welfare for the rich.

85
86 Ray Breslin, 3 Gary Drive, stated that the TIF district that was done at the airport, stated
87 that the tax payers have the right to know how much. Breslin asked if it was going to be a
88 benefit to the Town of Londonderry.

89
90 Christine Perez, 5 Wesley Drive, stated that Kevin Smith gave a great presentation at the
91 School Board. Perez stated that they will pay the taxpayers back over a period of time, the
92 businesses that go in there. Smith stated that it is the opposite, they front the cost and we
93 reimburse them. Perez stated that she saw it as a win for the town.

94
95 Motion to approve Resolution #2021-10 made by Councilor Dolan and second by Vice
96 Chairman Green. Chair votes 4-1-0. Councilor Paul voted against.

97
98 Chairman Farrell introduced Resolution #2021-13, a Resolution relative to the acceptance
99 of unanticipated revenue under RSA 31:95-b. Fire Chief Darren O'Brien and Finance
100 Director Justin Campo presented. This is for the NH Department of Safety, Homeland

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Security and Emergency Management. Campo stated that this is to assist with the town's emergency management operation center. This is an EMT Grant. There is a 40% match which is met in kind by the construction of the emergency management center at Central Fire Station. Chief O'Brien stated that this is for all of the equipment to put in the center.

Chairman Farrell stated that by the Town Council in a majority vote, accepted the terms of the Emergency Management Performance Grant as presented in the amount of \$40,000.00 for the EOC Equipment Project. Furthermore, the Board acknowledges that the total cost of this project will be \$80,000.00, in which the town will be responsible for a 50% match (\$40,000.00), which has been met in-kind through construction costs of the Emergency Operations Center which is located at Central Fire and hereby Kevin Smith, Town Manager is authorized to sign all documents related to the grant.

Motion to accept the unanticipated revenue made by Vice Chairman Green and second by Councilor Dolan. Chair votes 5-0-0.

Motion to close Public Hearing made by Councilor Dolan and second Vice Chairman Green. Chair votes 5-0-0.

NEW BUSINESS

Motion to approve Resolution #2021-13 made by Councilor Dolan and second by Vice Chairman Green. Chair votes 5-0-0.

Chairman Farrell introduced Resolution #2021-14, a Resolution relative to the temporary closure of Memorial Drive. Assistant Town Solicitor Mike Malaguti presented. Malaguti stated that there have been issues with groups of people gathering for a fight club in this area, a mutual combat. This is over by the airport. Police Captain Chris Gandia presented as well. Motion to approve Resolution #2021-14 made by Councilor Dolan and second by Vice Chairman Green. Chair votes 5-0-0.

APPROVAL OF MINUTES

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Motion to approve the Town Council minutes from May 3, 2021 made by Vice Chairman Green Dolan and second by Councilor Paul. Chair votes 5-0-0.

APPOINTMENTS/RESIGNATIONS

Motion to accept the resignation of Brian Lockhart from the PFAS Task Force made Vice Chairman Green and second Councilor Dolan. Chair votes 5-0-0. The Council thanked Lockhart for his service.

Councilors gave their liaison reports.

Assistant Town Manager Drabik gave an update on the drought status and as of right now we are not in drought status. Drabik also gave an update on the Leadership Londonderry application process.

Chairman Farrell stated that as of tomorrow, May 18th, the mask mandate at Town Hall will be lifted.

Councilor Butler brought to the Council's attention to what he believes to be a violation of the Town Charter dated March 12, 1996 by Councilor Deb Paul, owner of the Londonderry Times. In reference of the Charter, Article 6 Conduct of Officials, Section 6.2b, conflict of interest. It states that "any person so financially interested in such matters shall not vote or advise on otherwise participate in town or Town Council's consideration of such matters". Councilor Butler stated that Ms. Paul, as an appointed member of the Town Council on the Planning Board, violated the Charter during the Planning Board meeting on April 14, 2021. This violation occurred during the discussion of a proposed site plan located at Woodmont Commons for a \$19k, 792 sq ft two story building for Derry Medical Center. Councilor Butler stated that Ms. Paul did not recuse herself and participated in the discussion. The conflict of interested centers around companies associated with this projects have advertised in the Londonderry Times which is owned by Ms. Paul. The companies are Woodmont Commons, Pillsbury Realty Development, Market Basket, Derry Medical Center, and the companies that are currently located at Woodmont. Councilor Butler asked Chairman Farrell if he could ask Councilor Paul a simple question. Have these companies advertised in the Londonderry Times, the paper that she owns and has a financial interest in? Councilor Butler stated that the Town Attorney has addressed this issue before in a public issue.

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168
169 Chairman Farrell pulled up the Charter. Chairman Farrell asked Councilor Butler what he's
170 asking. Does he want clarification, etc. Councilor Paul stated that she would like to answer
171 Councilor Butler. Councilor Paul stated that she doesn't know what Councilor Butler's "hair
172 across is ass" is with her. Councilor Paul stated that those companies are not in her paper
173 now and they advertised with her prior to being a Councilor. Councilor Paul stated that
174 according to the Town Attorney when he litigated her publicly at a Town Council meeting,
175 he stated that it had to be a consistent advertising source. Councilor Paul stated that to run
176 an ad once or say congratulations to graduating seniors, is not a continual insource of cash
177 and the amount of money being made is minuscule. Councilor Paul stated that when the
178 Baldwins came up in the Planning Board, he recused herself because at that time they were
179 advertising. Councilor Paul stated that she does the best that she can. Councilor Paul stated
180 that Derry Medical Center hasn't advertised with the Londonderry Times in six years.
181 Councilor Paul stated that Pillsbury Realty hasn't advertised with her in over two years.
182 Councilor Butler stated that her comments based on the development can spur advertising
183 in her paper based on her decisions and comments. Councilor Paul stated that if Councilor
184 Butler wants to get a lawyer and trial her that's fine. Councilor Butler stated that he isn't
185 going to take her to court. All he is saying is don't violate the Charter and Councilor Paul
186 should have recused herself. Councilor Paul stated that she didn't need to.
187 Councilor Paul stated that if Councilor Butler has something he wants to put against her he
188 can and if not he needs to shut up. Councilor Butler told Councilor Paul that she needs to
189 shut up. Councilor Butler stated that he wants this investigated now.
190
191 Chairman Farrell asked both to keep the language under control. Councilor Paul stated that
192 the appropriate was to have done it is to approach her quietly just the three of them.
193 Chairman Farrell stated that for clarification purposes, three Councilors can't do something
194 privately. Councilor Paul stated that maybe through the Town Manager. Chairman Farrell
195 asked the other Councilors if they would like the Town Attorney to look at this or just move
196 forward. Chairman Farrell stated that the Charter process is very formal. What we have is a
197 conflict and he would like to resolve the conflict. Vice Chairman Green stated that for both
198 Councilors, clarity would be important. Vice Chairman Green stated that having the Town
199 Attorney look at it is a good idea and fair for both parties. Councilor Dolan stated that we
200 need to pick a path that has a solution. Councilor Dolan stated that he wouldn't be in favor
201 of going to the attorney and asking him what he thinks. Councilor Dolan stated that there
202 needs to be some closure. Chairman Farrell stated that if the Council does that, it puts the
203 town at risk. Chairman Farrell stated that he would like to move forward.

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205 Chairman Farrell stated that he will have a conversation with the Town Attorney and find
206 out how they can move forward. The Council agreed.

207

208 ADJOURNMENT

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210 Motion to adjourn made by Vice Chairman Green and second by Councilor Dolan. Chair
211 votes 5-0-0.

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213 Notes and Tapes by: Kirby Brown Date: 5/17/2021

214 Minutes Typed by: Kirby Brown Date: 5/23/2021

215 Approved by: Town Council Date: 6/7/2021