

TOWN COUNCIL AGENDA
May 2, 2016
7:00 P.M.

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM

A. CALL TO ORDER

B. PUBLIC COMMENT

- 1.) **Auditors Report** – Presentation of FY 2015 Financial Statements
Presented by Scott Eagen of Plodzik & Sanderson

C. PUBLIC HEARING

- 1.) **Ordinance #2016-02** – An amendment to the Municipal Code, Title I, Chapter XXIX, Dogs (Cont.)
- 2.) **Resolution #2016-14** – A Resolution Relative to the Amendment of the Adoption of Energy System Exemptions (Solar and Wind-Powered)

D. OLD BUSINESS

- 1.) Update on groundwater baseline study and air quality testing relating to PFOA
Presented by Kevin Smith
- 2.) Update on senior transportation matters
Presented by Kevin Smith

E. NEW BUSINESS

- 1.) Completion of Moose Hill Sidewalk to Devonshire Rd
Presented by Chairman John Farrell
- 2.) **Order #2016-16** – Expenditure of Maintenance Trust Fund for Various Projects
Presented by Steve Cotton

F. APPROVAL OF MINUTES

- Approval of Amended Town Council Minutes from April 4, 2016
- Approval of April 18, 2016 Town Council Minutes

G. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
3. Board/Committee Appointments/Reappointment

H. ADJOURNMENT

I. MEETING SCHEDULE

1. Town Council Meeting – **05/16/16** Moose Hill Council Chambers, 7:00 PM
2. Town Council Meeting – **06/06/16** Moose Hill Council Chambers, 7:00 PM
3. Town Council Meeting – **06/20/16** Moose Hill Council Chambers, 7:00 PM
4. Town Council Meeting – **07/11/16** Moose Hill Council Chambers, 7:00 PM

First Reading: 04/04/16
Second Reading/Public Hearing: 05/02/16
Adopted: 05/02/16

ORDINANCE #2016-02 (A)

AN AMENDMENT TO THE MUNICIPAL CODE, ~~TITLE I, CHAPTER XXIX, DOGS~~ TITLE IV-PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER VIII – ANIMAL CONTROL

-
- WHEREAS there is a need to provide for the health and safety of the public in the Town of Londonderry;
- WHEREAS to further provide public safety, there is the need to prohibit dogs from:
- a. Running at large;
 - b. Fouling; and
 - c. Creating disturbing noise; and
- WHEREAS the Town Council has the authority pursuant to RSA 39:31, and Town Charter to enact such regulations.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, ~~Title I—General Code, Chapter XXIX (newly created chapter) Dogs,~~ Title IV – Public Health, Safety and Welfare, Chapter VIII – Animal Control, is hereby amended as attached (Attached please find the current Ordinance, Title IV, Chapter VIII- Animal Control, #1; the original proposed Ordinance, 2016-02, #2 & the current proposed amendment to Title IV, Chapter VIII, #3.)

John Farrell - Chairman
Town Council

Sharon Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
05/02/16



CHAPTER VIII - ANIMAL CONTROL

SECTION I DEFINITIONS

- A. "Dog" shall mean both male and female, altered or not.
- B. "Owner" shall mean any person owning, keeping, harboring, or assuming the care of a dog.
- C. "Running at Large" shall mean off the premises of owner or keeper and not under the control of the owner or a responsible person.

SECTION II LICENSING AND REGISTRATION

- A. All dogs kept, harbored or maintained by their owners in the Town shall be licensed and registered as specified in RSA 466 and as it may be amended, of the State of New Hampshire
- B. Any person found to be keeping, harboring or maintaining an unlicensed dog shall be required to license the dog at the office of the Town Clerk within ten (10) days of notice and at the time of registration, pay to the Town an additional fee of ten dollars (\$10).
- C. Failure to register the dog and pay the fee shall require the person to be summonsed to court for the violation of RSA 466 and to receive the punishment thereof.

SECTION III RUNNING AT LARGE

- A. The Town Council shall provide for the rigid enforcement of RSA 466 and take such steps as they may deem necessary to ensure compliance with its provisions by residents of the Town.
- B. In accordance with the provisions of RSA 466:30-A, it shall be unlawful for an owner of any dog licensed or unlicensed to permit the dog to run at large, except when accompanied by the owner or custodian and when used for hunting, herding, supervised competition and exhibition or training for such.

CHAPTER VIII - ANIMAL CONTROL (Cont'd)

SECTION IV IMPOUNDING

- A. It shall be the duty of the Animal Control Officer to apprehend any dog found running at large without a collar and valid license tag. Any injury or death of the animal caused in the effort of its apprehension shall be the responsibility of the owner and no liability shall be found with the Animal Control Officer or his assistants.

SECTION V METHOD OF CONFINEMENT

- A. The Town Council, with the assistance and cooperation of the Animal Control Officer, shall select a suitable place of confinement for impounded dogs. Suitable shall include good food and care.

SECTION VI NOTICE TO OWNERS, REDEMPTION

- A. If the dog has upon it the name or address of the owner or such name or address is otherwise known or obtainable, then the Police Department or the Animal Control Officer shall notify the owner within twenty four (24) hours after seizure of the dog.
- B. Notice of impoundment shall be in writing by registered mail, postage prepaid, and shall be construed as having been given at the time of posting thereof.
- C. If the dog impounded does not have the name or address of the owner, and if the owner is not otherwise known, then no notice shall be necessary.
- D. The owner of any dog so impounded may reclaim the dog upon payment of the sum of ten dollars (\$10) for the first twenty four hour (24 hr) period or any part thereof that the dog is held and three dollars (\$3) for each twenty four hour (24 hr) period or any part thereof that the dog is held thereafter; provided, however, that before release to any person, if the dog is not licensed, a license as required by the Town shall be secured.

SECTION VII FEES

- A. The sum collected pursuant to the provisions of the Ordinance shall be accounted for and paid over to the Londonderry Town Clerk.

CHAPTER VIII - ANIMAL CONTROL (Cont'd)

SECTION VIII DISPOSITION OF UNCLAIMED DOGS

- A. Any properly collared and tagged dog which has been impounded and has not been redeemed by the owner shall be turned over to the nearest Animal Rescue League provided that any such dog shall be held for at least ten (10) days after impounding.
- B. In those cases where it is required that notice be given the owner, the ten (10) days shall commence from the date the owner is notified.
- C. In the event the Animal Rescue League is unwilling or unable to accept custody of the dog, the dog shall be disposed of as directed by the Town Council
- D. Any uncollared, untagged dog whose owner cannot be identified shall be held for a minimum of ten (10) days and after such time, if the owner cannot be determined, the dog shall be disposed of in the manner prescribed by the Town Council.

SECTION IX DOG OFFICER APPOINTED

- A. The Town Manager shall appoint an Animal Control Officer and shall determine the amount of his pay.
- B. The Officer shall be selected from candidates having knowledge of animals and their care.
- C. It shall be the duty of the Animal Control Officer to enforce the provisions of his Ordinance and perform such other duties in respect thereto as the Town Council shall determine.
- D. The Animal Control Officer shall be appointed as a Special Patrolman.

SECTION X PENALTY

- A. Any person found violating any of the provisions of this Ordinance shall be found guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than twenty dollars (\$20) for such offense.

CHAPTER VIII - ANIMAL CONTROL

SECTION I DEFINITIONS

- A. “Dog” shall mean both male and female, altered or not.
- B. “Owner” shall mean any person owning, keeping, harboring, or assuming the care of a dog.
- C. “Running at Large” ~~shall mean off the premises of owner or keeper and not under the control of the owner or a responsible person.~~ is defined as a dog in, on, or being walked upon, a public street, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, or in a public street, sidewalk or right-of-way adjacent to a public place and is not secured by a leash or chain or within a carrier which is in the possession of a person of sufficient strength and age to effectively restrain the dog ~~or under the direct control of its handler by means of personal presence and attention as will reasonably control the conduct of such dog.~~
- D. Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, if the dog is securely confined in an ~~vehicle~~ or is under the direct control of its handler. Evidence that the dog accosted, jumped on or otherwise bothered a person not its owner or handler shall be evidence that the dog was not under the direct control of its owner.
- E. “Service dog” is a type of assistance dog specifically trained to help people who have disabilities, such as visual impairment, hearing impairments, mental illnesses (such as but not limited to posttraumatic stress disorder (PTSD)), seizure disorders, mobility impairment, and diabetes.
- F. However in no case shall any dog be un-leashed on the Londonderry Rail-Trial or on the Londonderry Town Common, included the forested area adjacent to the Town Common and commonly referred to as the Town Forrest.

SECTION II LICENSING AND REGISTRATION

- A. All dogs kept, harbored or maintained by their owners in the Town shall be licensed and registered as specified in RSA 466 and as it may be amended, of the

State of New Hampshire

- B. Any person found to be keeping, harboring or maintaining an unlicensed dog shall be required to license the dog at the office of the Town Clerk within ten (10) days of notice and at the time of registration, pay to the Town an additional fee of ten dollars (\$10).

- C. Failure to register the dog and pay the fee shall require the person to be summonsed to court for the violation of RSA 466 and to receive the punishment thereof.

CHAPTER VIII - ANIMAL CONTROL (Cont'd)

SECTION III RUNNING AT LARGE

- A. The Town Council shall provide for the rigid enforcement of RSA 466 and take such steps as they may deem necessary to ensure compliance with its provisions by residents of the Town.
- B. In accordance with the provisions of RSA 466:30-A, it shall be unlawful for an owner of any dog licensed or unlicensed to permit the dog to run at large, except when accompanied by the owner or custodian and/or when used for hunting, herding, supervised competition and exhibition or training for such.
- C. *With the exception of service dogs, no dogs shall be permitted within the confines of any cemetery owned and managed by the Town of Londonderry.*

SECTION IV DOG FOULING PROHIBITION

It shall be unlawful for any person owning, possessing, or controlling a dog on street, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, any public street, sidewalk or right-of-way adjacent to a public place, or on any private property neither owned nor occupied by said person to:

- i. Fail to remove and dispose of any feces left by the dog in or on such public or private property.*

SECTION V NOISE REGULATION

It shall be unlawful to keep any animal, including a bird, in a manner that causes frequent or long continued noise that disturbs the comfort or repose of any person in the vicinity; dog that barks for sustained periods of time, or during the night so as to disturb the peace and quiet of the neighborhood or area

SECTION VI ENFORCEMENT

The Londonderry Animal Control Officer and/or the Londonderry Police Department may seize, impound or restrain any dog *in violation of this chapter*, running at large and deliver said dog to an authorized boarding shelter for dogs. Such dogs shall be handled *as strays or abandoned dogs* pursuant to applicable laws.

Chapter VIII Page 1 of 3

CHAPTER VIII - ANIMAL CONTROL (Cont'd)

SECTION VII IMPOUNDING

It shall be the duty of the Animal Control Officer to apprehend any dog found running at large, **as defined or running at large** without a collar and valid license tag. Any injury or death of the animal caused in the effort of its apprehension shall be the responsibility of the owner and no liability shall be found with the Animal Control Officer or his assistants. **The Animal Control Officer shall have the responsibility to investigate violations of Section IV and Section V of this Chapter and take action consistent with this Chapter.**

SECTION VIII METHOD OF CONFINEMENT

The Town Council, with the assistance and cooperation of the Animal Control Officer, shall select a suitable place of confinement for impounded dogs. Suitable **place of confinement** shall include good food and care.

SECTION IX NOTICE TO OWNERS, REDEMPTION

- A. If the dog has upon it the name or address of the owner or such name or address is otherwise known or obtainable, then the Police Department or the Animal Control Officer shall notify the owner within twenty four (24) hours after seizure of the dog.
- B. Notice of impoundment shall be in writing by registered mail, postage prepaid, and shall be construed as having been given at the time of posting thereof.
- C. If the dog impounded does not have the name or address of the owner, and if the owner is not otherwise known, then no notice shall be necessary.
- D. The owner of any dog so impounded may reclaim the dog upon payment of the sum of ten dollars (\$10) for the first twenty four hour (24 hr) period or any part thereof that the dog is held and three dollars (\$3) for each twenty four hour (24 hr) period or any part thereof that the dog is held thereafter; provided, however, that before release to any person, if the dog is not licensed, a license as required by the

Town shall be secured.

SECTION X FEES

The sum collected pursuant to the provisions of the Ordinance shall be accounted for and paid over to the Londonderry Town Clerk.

SECTION XI DISPOSITION OF UNCLAIMED DOGS

- A. Any properly collared and tagged dog which has been impounded and has not been redeemed by the owner shall be turned over to the nearest Animal Rescue League provided that any such dog shall be held for at least ten (10) days after impounding.
- B. In those cases where it is required that notice be given the owner, the ten (10) days shall commence from the date the owner is notified.
- C. In the event the Animal Rescue League is unwilling or unable to accept custody of the dog, the dog shall be disposed of as directed by the Town Council
- D. Any uncollared, untagged dog whose owner cannot be identified shall be held for a minimum of ten (10) days and after such time, if the owner cannot be determined, the dog shall be disposed of in the manner prescribed by the Town Council.

SECTION XII DOG OFFICER APPOINTED

- A. The Town Manager shall appoint an Animal Control Officer and shall determine the amount of his pay.
- B. The Officer shall be selected from candidates having knowledge of animals and their care.
- C. It shall be the duty of the Animal Control Officer to enforce the provisions of his Ordinance and perform such other duties in respect thereto as the Town Council shall determine.
- ~~D. The Animal Control Officer shall be appointed as a Special Patrolman.~~

SECTION X PENALTY

~~Any person found violating any of the provisions of this Ordinance shall be found guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than twenty dollars (\$20) for such offense.~~

SECTION XIII – VIOLATION AND PENALTIES

In addition to impounding a dog found at large or in violation of this chapter, the Londonderry Animal Control officer and/or Londonderry Police Department may issue in the name of the owner, possessor, controller, or keeper of such dog a notice of violation. Such notice shall impose upon the owner, possessor, controller, or keeper of such a dog a forfeiture of Twenty-Five Dollars (\$25.00) which must be paid to the Londonderry Town Clerk within 96 hours of the date and time notice is given, in full satisfaction of the assessed penalty. In the event that such penalty is not paid to the Londonderry Town Clerk within the time limitation specified, a summons shall be issued for appearance in Derry District Court, and any person found guilty of violating the provisions of this section shall be guilty of a violation.

~~End of Chapter~~
Chapter VIII Page 3 of 3

RESOLUTION #2016-14

A Resolution Relative to the Amendment of the
ADOPTION OF ENERGY SYSTEMS EXEMPTION
(SOLAR & WIND-POWERED)

First Reading: 04/18/16
Hearing/Second Reading: 05/02/16
Adopted: 05/02/16

WHEREAS the Town of Londonderry has adopted the provisions of RSA 72:62, Tax Exemption for Solar Energy Systems; and

WHEREAS the Town Council may, pursuant to the provisions of RSA 72:27-a, adopt an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61 by considering and acting upon the question in accordance with its normal procedures for passage of resolutions, ordinances and other legislation;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Londonderry, that the provisions of *Title VI - Town Policy, Chapter XXIV – Energy Systems Exemption Policy* are hereby amended as set forth herein and shall be made effective upon passage of this resolution and reviewed annually thereafter.

John Farrell - Chairman Town Council

A true copy attest:

Sherry Farrell - Town Clerk/Tax Collector
Dated: 05/02/16

(TOWN SEAL)

Chapter XXIV ENERGY SYSTEMS EXEMPTION POLICY

SECTION I PURPOSE

- A. To adopt the provisions of RSA 72:61-68 and establish qualifications for the exemption for Energy Systems for Solar and Wind-Powered Systems.

SECTION II QUALIFICATIONS *and* DEFINITIONS

- A. The energy exemption from property tax in the Town of Londonderry shall apply to any person who meets the requirement of either RSA 72:61, Solar Energy Systems; or RSA 72:65, Wind-Powered Systems on a yearly basis in an amount to be chosen by the Town.

SECTION III BENEFITS

- A. The exemption from property tax in the Town of Londonderry, based on assessed value, for qualified taxpayers shall be based upon the value of the entire energy system meeting the requirements of state statutes. ***up to a value of \$5,000.00***
- B. The exemption under this section shall apply only in taxable years during which the exemption is claimed on April 1 in any given year.

~~End of Policy~~

ORDER #2016-16

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 05/02/2016

Adopted: 05/02/2016

WHEREAS voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

WHEREAS by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$6,815.00 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$6,815.00 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

John Farrell, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:
05/02/2016

**Expendable Maintenance Trust TC Order Request
for Town Council Meeting "5/02/16"**

Description	Vendor	Amount
<p><u>Mixing Valve - North Fire</u> The mixing valve for the hot water (sinks, dishwasher, showers, etc.) was not operating to a consistent level of hot water (Hot, Warm, Cold). This EMTF request is for the labor/materials for replacing the mixing valve and setting/testing that the water temperature is consistent. The mixing valve was installed in 2011 and had expired the 3 year warranty period.</p>	<p>Sloan & Nolan - Invoice #TOL-21</p>	<p>\$ 1,200.00 \$ 1,200.00</p>
<p><u>Boiler #1 Repair - Police Department</u> During the annual boiler inspection required by our insurance carrier a leak was discovered in boiler #1, and the boiler #1 was tagged out of service. Currently we are operating on boiler #2, but boiler #1 does need to be repaired. This EMTF request is to disassemble the boiler, replace the gaskets and leaking valves, assemble, test, and assure we pass the boiler inspection. The boiler was installed in 2004 and has expired the warranty period.</p>	<p>Blake Equipment - Quote NH16-0142</p>	<p>\$ 5,615.00 \$ 5,615.00</p>
<p align="right">Total Town Council EMTF Order</p>		<p>\$ 6,815.00</p>

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **April 4, 2016**
3

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

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

10 **CALL TO ORDER**
11

12 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for all the
13 men and women who serve us here and abroad and all first responders and the men and women who serve us here and
14 abroad.
15

16 **PUBLIC COMMENT**
17

18 Town Manager Smith invited up and introduced the new Town Planner Colleen Mailloux.
19

20 Chairman Farrell introduced the Proclamations for National Public Safety Telecommunicators Week. Chief Hart presented
21 the Proclamation's with Chief O'Brien. Chief Hart stated that the telecommunicators are the backbone of operations at the
22 Police and Fire Department. Chief O'Brien recognized Elizabeth Mahon. Chief Hart recognized Amelia Mckeever and Jason
23 Pinault. Chief Hart read the Proclamation into the record.
24

25 Curtis Boles, 57 Hovey Rd, stated that he is here to discuss the dog leash law. Boles stated that Steve Cotton put up a sign but
26 it has not helped. Chairman Farrell stated that the, majority of the Council stated that the issue will be looked at and discussed
27 in two weeks for the public hearing.
28

29 **PUBLIC HEARING**
30

31 **NONE**
32

33 **NEW BUSINESS**
34

35 Town Manager Kevin Smith discussed the appointment of Deputy Town Treasurer Joe Paradise. Motion to approve the
36 appointment made by Councilor Green and second by Vice Chairman Freda. Chair votes 5-0-0.
37

38 Steve Cotton introduced Order #2016-10, the expenditure of Maintenance Trust Fund for various projects. Councilor Butler
39 excused himself from the vote due to a conflict. This Order is for drainage behind the Police Department cleaned up and
40 winter maintenance. Motion to approve Order #2016-10 made by Councilor Dolan and second by Councilor Green. Chair
41 votes 4-1-0.
42

43 Councilor Butler rejoined the Council.
44

LONDONDERRY TOWN COUNCIL MEETING MINUTES

45 Chairman Farrell introduced Ordinance #2016-02, the amendment to the Municipal Code, Title 1, Chapter XXIX, Dogs. Steve
46 Cotton presented. Motion to waive the first reading made by Councilor Dolan and second by Councilor Butler. Chair votes 5-
47 0-0. Steve Cotton stated that the Ordinance is not just for the cemeteries, it's a town wide Ordinance. Councilor Dolan
48 mentioned that the Dog Park Study Committee should look into getting the dog park going.

49
50 GIS Manager John Vogl presented Resolution #2016-02, approving the Londonderry Hazard Mitigation Plan update for 2015.
51 This is for the emergency operation plan, if the Town were to ever have a natural disaster or a major town-wide emergency.

52
53 The Council discussed a problem between the radios with the cell towers and Fire and Police stations. Councilor Butler stated
54 that we have a radio problem. Councilor Green suggested doing a check-in every three months and see how the progress is
55 going forward with fixing the radio problem and cell towers. Chief O'Brien stated that they can look into it and give an update
56 on May 2nd. Councilor Green suggested to keep the updates going until the problem is fixed. Chairman Farrell suggested two
57 updates before the summer.

58
59 Al Sypek presented with Vogl. Motion to approve Resolution #2016-02 made by Councilor Green and second by Councilor
60 Butler. Chair votes 5-0-0.

61
62 The Council discussed a problem between the radios with the cell towers and Fire and Police stations. Councilor Butler stated
63 that we have a radio problem.

64
65 Janusz Czyzowski, Public Works Director, introduced Order #2016-11, the expenditure of the Reclamation Trust Funds for the
66 Drop-Off Center improvements. Czyzowski stated that this is for the containers that will be used to recyclables. The Town
67 wants to purchase instead of lease. Motion to approve Order #2016-11 made by Councilor Green and second by Vice
68 Chairman Freda. Chair votes 5-0-0.

69
70 Janusz Czyzowski presented the Council with the contract for Carts for curbside recyclables. Czyzowski stated that he needs a
71 vote from the Council award it. The Council gave Czyzowski the okay. Councilor Dolan motioned to direct the Town
72 Manager to award the contract. Councilor Butler second. Chair votes 5-0-0.

APPROVAL OF MINUTES

73
74
75
76 Motion to approve the Town Council minutes from March 21, 2016 made by Councilor Dolan and second by Councilor
77 Green. Chair votes 5-0-0. Councilor Dolan stepped out of the meeting for a minute.

LIAISON REPORTS

78
79
80
81 Councilor Green stated that he would like to make a comment about Senior Affairs Committee. Councilor green stated that
82 there is still a major issue with transportation for seniors. Councilor Green stated that CART is doing the job they can do
83 based on their resources. Councilor Green stated that there are a lot of people getting services and they don't want to risk
84 those services. Councilor Green suggested that we need to focus on the seniors. Right now it's a far cry from what their needs
85 are. They are quiet about it, Councilor Green stated he noticed. Councilor Green asked the Council to think about a
86 transportation system for the seniors and look at possibly getting two buses and a full time person with part of the Town staff
87 supervising the aspect of it. Other Towns do it. Councilor Green stated that with the Council's approval, he would like ot
88 have the Town Manager look further into it to see what other Town's do. The Council agreed. Chairman Farrell stated that
89 we should also look at our Town insurance to find out what our liability is.

90
91
92 **BOARD/COMMITTEE APPOINTMENTS**

LONDONDERRY TOWN COUNCIL MEETING MINUTES

93 Town Manager Smith introduced the appointment of Jay Hooley to the Joint Negotiation Committee. Motion to approve the
94 appointment of Jay Hooley made by Councilor Green and second by Vice Chairman Freda. Chair votes 5-0-0.
95

ADJOURNMENT

96
97
98 Motion to adjourn made by Councilor Green and second by Councilor Dolan. Chair votes 5-0-0.
99

100	Notes and Tapes by:	Kirby Wade	Date: 04/04/2016
101	Minutes Typed by:	Kirby Wade	Date: 04/12/2016
102	Approved by:	Town Council	Date: 04/18/2016

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108

DRAFT

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **April 18, 2016**

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

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

9
10 **CALL TO ORDER**

11
12 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for all the
13 men and women who serve us here and abroad and all first responders and the men and women who serve us here and
14 abroad.

15
16 **PUBLIC COMMENT**

17
18 Chairman Farrell stated that the FY2015 Auditors Report was due to be presented to the Council but sense the Council was
19 down a few members, Chairman Farrell stated that they will be postponing the presentation.

20
21 Chairman Farrell introduced the update on the first apparatus plan. Chief Darren O'Brien presented. [See attached slides].
22 O'Brien stated that to do all of this, to lease purchased the aerial, to lease purchase the tanker, and to refurbish the existing
23 tower truck, all comes to about \$1.7-\$1.8 million dollar range. Chief O'Brien stated that he is outlaying the plan for the
24 Council. O'Brien stated that he is looking for an approval to move forward or whether the Council wants him to go back and
25 look at things again. The Council gave Chief O'Brien the ok to move forward.

26
27 There was no other public comment.

28
29 Councilor Dolan stated that he would like the Council to agree to ask the Town Manager to get together with the State
30 Department of Transportation to review the status of the intersection of the State roads 28 and 128, the intersection by the
31 triangle mobile. Councilor Dolan stated that it's a "failed intersection", especially during commuting hours. Councilor Dolan
32 stated that it would be a good idea to review the safety of that intersection. They are two state roads and the Town doesn't
33 have jurisdiction over. The Council agreed.

34
35 Chairman Farrell stated that the Town Council met with Senator Kelly Ayotte in regards to the PFOA issue, the
36 contamination of water. This is all occurring in Merrimack. They contamination is airborne. The fault is still being
37 determined and the DES is engaged. Chairman Farrell stated that there has not been testing in Londonderry but it is being
38 monitored very closely.

39
40 **PUBLIC HEARING**

41
42 Motion to move into Public Hearing made by Councilor Dolan and second by Councilor Green. Chair votes 5-0-0.

43
44 Chairman Farrell introduced Ordinance #2016-02, an amendment to the Municipal Code, Title I, Chapter XXIX, Dogs. Chief
45 Hart presented. Chairman Farrell stated that there is a leash law in place today. Town Manager Smith stated that in the

LONDONDERRY TOWN COUNCIL MEETING MINUTES

46 packets there are three sections. Chairman Farrell stated that the Town has not had a full-time animal control officer for many
47 years. Chief Hart confirmed that is has been five years since the Town had a full-time animal control. Chief Hart stated that a
48 few weeks back an Ordinance was proposed in preparing for the Public Hearing. The Town Manager, assisted by Steve
49 Cotton, came to terms that there is already an Ordinance regarding dogs running at large in town. Chief Hart stated that they
50 took a look at the current Ordinance, which was revised in 1998. [See attached for both original and amended Ordinance].
51 Chief Hart stated that in regards to dog violence, the part-time Dog Officer, Mike Bennett, has responded to about thirty bites
52 a year. Councilor Green asked Chief Hart in regards to the penalty, it states that any person found violating the provisions of
53 the Ordinance shall be found guilty or a misdemeanor. Councilor Green asked what the though process was in terms of
54 removing that from the Ordinance. Chief Hart stated that the statute contemplates that it is a violation. A violation is a
55 specific type of designation. In New Hampshire we designate two types of crimes, felonies, which are typically demarked by
56 the level of punishment for it. This is for more than one year in prison. Misdemeanors, which are punishable by up to a year
57 in jail, we have a third designation which is technically not a crime, that is a violations. Chief Hart stated that what the Town
58 usually deals with are violations. A violation is still treated if it was a criminal offense. The same rights would accrue to you
59 as a charged defendant as it would accrue in a misdemeanor or a felony.

60
61 Chairman Farrell stated that most of the e-mails that the Council have received are about dogs doing their business where
62 they shouldn't be doing their business. It doesn't seem to be an issue if they have their dog under voice control and off the
63 leash.

64
65 Beulah Himes, 23 King Henry Drive, stated that she has been a resident for twenty-three years and a long term dog owner.
66 Himes stated that there is a contradiction in the running at large from section 1C to section 3. Himes stated that personally
67 she uses all the trails in town and they are awesome. She is able to control her dog and let her off the leash when no one is
68 around. When people come around she leashes her dog. Himes stated that she has never run into a problem with people
69 having their dogs off leash. Himes stated that prohibiting dogs off a leash all together is prohibiting any training away from
70 your home for your dog. Himes stated that it prohibits hunters who have hunter dogs.

71
72 Lisa Jennings, 28 Woodbine Drive, stated that she has a fear of dogs. Jennings stated that they have lived in Town for nine
73 years. On their street there are many dogs. Jennings stated that the dogs on her street chase after her and venture into her yard
74 and on her porch. Jennings stated that on athletic field's dogs go free as well. Jennings stated that she doesn't want to live in
75 fear of dogs.

76
77 Councilor Green stated to Chief Hart that he is concerned about changing the wording. Councilor Green stated that he is at
78 the athletic fields a lot and stated it is a growing problem.

79
80 The Council and members of the public discussed the leash aspect of dogs and whether a dog should be on a leash or not
81 when off of your own property.

82
83 Councilor Dolan left the meeting at 1:03:43.

84
85 Kathy Wagner, 7 Fiddlers Ridge Rd, stated that she is a former Town Councilor who voted on and Ordinance to not allow
86 dogs on the ballfield. Wagner stated that the ballfields are covered ibn today's Ordinance. Wagner stated that the schools
87 have banned dogs at all games.

88
89 Sue and John, 21 Windsor Blvd, stated that they have lived in town for a long time and they have a dog. Sue stated that they
90 take him for walks but they are very respectful of other people because they know not everyone loves dogs. Sue stated that
91 they let their dog run at Continental. John stated that the Town should not get a dog park. It is not socially good for dogs.

92
93 Chairman Farrell stated that they are trying to find a solution that works for everyone. The Council has received complaints
94 about people not using leashes or picking up after their dogs. Chairman Farrell stated that the Council is not looking to stop
95 people from what they are doing, they are trying to find an equal median.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

96
97 Curtis and Linda Boles, 57 Hovey Rd, stated that they feel everyone's passion. Boles stated that she thought that dogs were
98 not allowed on the LAFA fields. Councilor Green stated that the Ordinance says yes, but while children are present. Boles
99 stated that cemeteries should be a place where dogs are not allowed either. Boles stated that she has witnessed dogs doing
100 their business on gravestones. She is a dog owner and lover, however, there should be a no dog's sign like there is in Derry.
101 Councilor Butler asked if she has seen dogs in cemeteries on or off leash. Boles stated off. Councilor Butler asked Boles if
102 she would be up for a law in which dogs would be allowed in the cemetery if on a leash. Boles stated that it would be better if
103 no dogs were allowed at all. Mr. Boles stated that he came to the Town Council meeting two weeks ago and he has met with
104 Kevin and showed him the signs that Derry has.

105
106 Chairman Farrell stated that the Council will very likely continue the Public Hearing.

107
108 Sean Mcnamara, 49 Sherwood Rd, stated that he has been a UPS employee for a while. He has had a lot of run-ins with dogs.
109 Mcnamara stated that there has been an increase in dog bites. Mcnamara stated that it is a touchy subject.

110
111 Chairman Farrell stated that he is going to bring this issue back to the Council. Chairman Farrell stated that so far he has
112 captured that anything other than dogs, Fish and Game should be called. Londonderry has a Fish and Game officer. Chairman
113 Farrell stated that he believes there is some room in next year's budget with some savings the Town has had from the
114 healthcare, for a full-time animal control officer. It was also discussed for notices with the current leash law to go out with
115 dog licenses. Chairman Farrell stated that it is great if you can keep your dog under voice command. Chairman Farrell asked
116 chief Hart to work in some language around that. Chairman Farrell stated that there was also a conversation around fines.
117 Right now it is \$25. Chairman Farrell stated that maybe that's a good idea. Chairman Farrell stated that we need to make sure
118 we have the right language around these pieces. Chairman Farrell stated that the Council can look into dog parks. There are a
119 number of steps that we may not be aware of so that the Town doesn't end up with what is in Derry. Chairman Farrell
120 suggested to Steve Cotton to look into getting bag dispensers put out around town, such as the Rail Trail or entrance to the
121 Musquash. Chairman Farrell stated that the final issue he captured was cemeteries. There needs to be a plan. The answer is
122 not disrespecting someone's grave. Chairman Farrell stated that the issue needs to be explored.

123
124 Councilor Green stated that dog owners and their pets have rights that can't be overlooked. Councilor Green stated that this
125 has to do with people that are negligent. Councilor Green stated that he is concerned that calls regarding this matter happen
126 once a day. These are two separate issues. The leash law and the dogs in the cemeteries. Councilor Green stated that he is
127 okay with going forward with a no dogs in the cemetery law.

128
129 Councilor Freda stated that there is already a comprehensive law at the State level. Councilor Freda stated that it seems as
130 though we are just adding a layer where we already have a law.

131
132 Chairman Farrell stated that the Public Hearing will be continued. It will resume at the next Town Council meeting on May
133 2nd. The Ordinance will be fixed based on all impute that was given. Motion to continue made by Councilor Green and
134 second by Councilor Butler. Chair votes 4-0-1.

135
136 Town Manager Smith stated that anyone who is interested in looking at the State Statue, you can visit the Londonderry
137 webpage and under the Police Department, click on Animal Control Officer, you can view all the state laws and fines.

138
139 **NEW BUSINESS**

140
141 Chairman Farrell introduced Resolutions #2016-03 - #2016-13, all Resolutions sanctioning recreation sports/teams. Chairman
142 Farrell suggested on voting all of them at once. Councilor Green motioned to accept Resolutions #2016-03 - #2016-13. Second
143 by Councilor Butler. Chair votes 4-0-1.

144

LONDONDERRY TOWN COUNCIL MEETING MINUTES

145 Chairman Farrell introduced Order #2016-12 and Order #2016-13, both withdrawing from the Fire Truck Capital Reserve to
146 reimburse expenditures from our budgetary funds, which was presented by Finance Director Doug Smith. Councilor Green
147 motioned to accept Order #2016-12 and Order #2016-13 made by Councilor Green and second by Councilor Butler. Chair
148 votes 4-0-1.

149
150 Chairman Farrell introduced Order #2016-14, the distribution of School impact fees which was presented by Doug Smith.
151 Smith stated that this Order is for the withdraw impact fees form the school impact fee account. Councilor Butler motioned to
152 accept Order #2016-14 and second by Councilor Green. Chair votes 4-0-1.

153
154 Chairman Farrell introduced Order #2016-15, the expenditure of Maintenance Trust Fund for various projects. Steve Cotton
155 presented the three items. Councilor Green motioned to approver Order #2016-15 and second by Councilor Butler. Chair votes
156 4-0-1.

157
158 Chairman Farrell introduced Resolution #2016-14, a Resolution relative to the amendment of the adoption of Energy System
159 Exemptions (solar and wind-powered). Town Manager Smith presented. Motion to waive the first reading and schedule a
160 public hearing for May 2nd made by Councilor Green and second by Councilor Butler. Chair votes 4-0-1.

161

162

APPROVAL OF MINUTES

163

164 Councilor Green stated that there were two comments that he made and that were not included in the minutes. One was
165 asking for a check in at each meeting to get an updated on the mitigation plan and the second was to look at the senior citizen
166 transportation issue in town and possibly doing something in-house. Chairman Farrell stated that the minutes will be
167 amended and the Minutes from April 4, 2016 at the next Town Council meeting on May 5th.

168

169

170

ADJOURNMENT

171

172 Motion to adjourn made by Councilor Green and second by Councilor Butler. Chair votes 4-0-1.

173

174 Notes and Tapes by: Kirby Wade Date: 04/18/2016

175 Minutes Typed by: Kirby Wade Date: 04/21/2016

176 Approved by: Town Council Date: 05-02/2016

177

178

179

180

181

182

LONDONDERRY FIRE DEPARTMENT

Tanker & Aerial
Apparatus Plan

Plan Overview

- ▣ Reprioritized our fleet plan to address the communities needs.
- ▣ Identified funding shortfalls in the capital account for fire apparatus.
- ▣ Collaboration between Fire Chief, Town Manager and Finance Director on lease purchasing plan.
- ▣ Identified a need to incorporate a tanker into our current fleet of apparatus.
- ▣ Recognized current and future development, and identified the need for specialized resources.

\$1.5 - \$1.7 Million



2001 Pierce® Aerial Tower

**\$400,000 - \$500,000
(Refurb & 10 year cert)**



Tanker - \$350,000 - \$450,000



Ladder - \$800,000 - \$950,000



2500 Gallon Tanker



2500 Gallon Tanker



2500 Gallon Tanker

- Kenworth T880 Chassis
- 2500 gallon water tank
- 1250 GPM Mid-Ship Waterous Pump
- (3) 10" dump valves, 1 each side, 1 rear
- 2500 gallon porta-tank
- Husky 3 Class A foam system
- 2 Crosslay hose beds
- Front bumper attack line



2500 Gallon Tanker



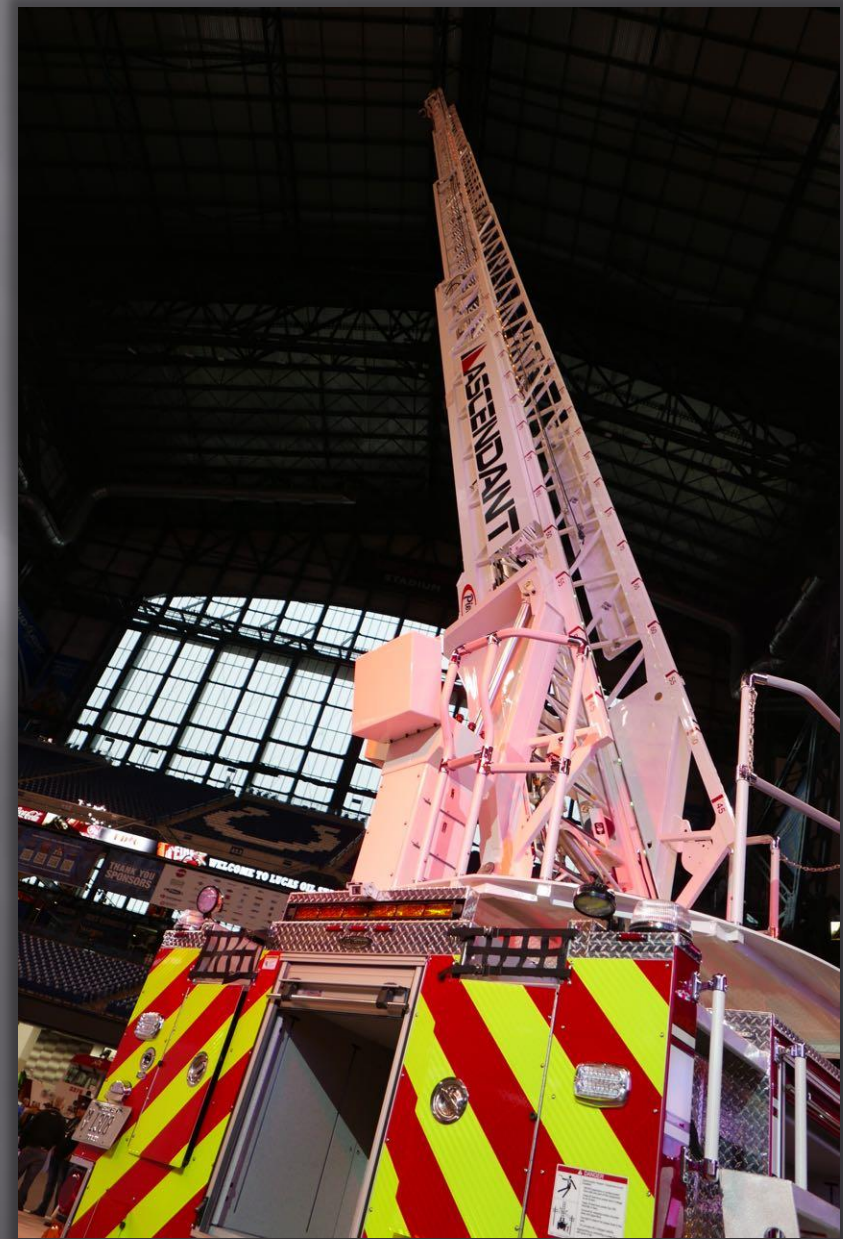
107' Aerial Ladder Truck



107' Aerial Ladder Truck

Aerial Operations

- 107' vertical reach
- 100' horizontal reach
- 750 lb tip load dry
- 500 lb tip load wet
- 1500 gpm flow
- 35 mph wind operation / 1/4" ice
- Store front blitz (30° vertical nozzle angle)
- Below grade operation (-10°)
- 100 lb of additional equipment allowance at tip
- Heavy-duty high-strength steel



Sole Source Provider Benefits

- Administrative time and review process is streamlined.
- Easier maintenance and upkeep
- Working relations with dealer and manufacturer.
- TAC4 and Command Zone features are exclusive to Pierce.
 - Command Zone program allows us to diagnose problems before scheduling repairs, minimizing labor costs.
 - TAC4 suspensions provide increased stability, easier maneuverability, shorter stopping distances, and reduced maintenance.

