

**TOWN COUNCIL AGENDA**  
**May 15, 2017**  
**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.) Remembering Former Selectman, Sergeant Gerry Gillespie  
**Presented by: Chief Bill Hart**
- 2.) Growth Management Ordinance Overview  
**Presented by: Colleen Mailloux and John Vogl**
- 3.) Councilor's Request for discussion about Stonehenge and Rt. 28 intersection

**C. PUBLIC HEARING**

- 1.) **Ordinance #2016-07A** – An Ordinance Relative to a Restriction on Outside Water Use (Continued from May 1<sup>st</sup>)
- 2.) **Resolution #2017-03** – A Resolution Relative to Legalizing, Ratifying and Confirming all Actions, Votes and Proceedings from the 2017 Election

**D. OLD BUSINESS**

**E. NEW BUSINESS**

- 1.) **Order #2017-15** – An Order Relative to the Expenditure of Maintenance Trust Fund for Various Projects  
**Presented by: Steve Cotton**
- 2.) **Ordinance #2017-03** – Amendment to Restriction of Removing Water from Public Bodies of Water for Commercial Use (**1<sup>st</sup> Reading**)

**F. APPROVAL OF MINUTES**

1. Approval of May 1, 2017 Town Council Minutes

**G. OTHER BUSINESS**

Liaison Reports  
Town Manager Report  
Board/Committee Appointments/Reappointment  
1.) Resignation of Roger Fillio from the Heritage Commission

**H. ADJOURNMENT**

**I. MEETING SCHEDULE**

Town Council Meeting – 06/05/17 Moose Hill Council  
Chambers, 7:00 PM  
Town Council Meeting – 06/19/17 Moose Hill Council  
Chambers, 7:00 PM  
Town Council Meeting – 07/03/17 Moose Hill Council  
Chambers, 7:00 PM  
Town Council Meeting – 07/17/17 Moose Hill Council  
Chambers, 7:00 PM

# ORDINANCE 2016-07A

## Amendment to Restriction on Outside Water Use

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First Reading: 04/03/17  
Second Reading/Public Hearing: 04/17/17  
Public Hearing Cont.: 05/15/17  
Adopted 05/15/17

**WHEREAS** on October 3, 2016, the Town of Londonderry, by and through the Londonderry Town Council, adopted Ordinance 2016-07, an Ordinance Relative to a Restriction on Outside Water Use, in response to the severe and extreme drought conditions and the impacts therefrom facing the residents of Londonderry, thereby imposing a mandatory ban on the watering of all residential lawns in Londonderry in accordance with RSA 41:11-d; resting enforcement of said ban with the Town of Londonderry Police Department and granting any sworn officer therein the authority to initiate any enforcement action against any violator of said ban; imposing certain penalties for violation of said ban pursuant to RSA 651:2 as follows: (1) verbal or written warning for a first violation, (2) \$250 fine for a second violation, and (3) \$500 fine for each succeeding violation; and further encouraging that all non-residential property owners in Londonderry voluntarily abide by the same watering ban;

**WHEREAS** since the imposition of said watering ban pursuant to Ordinance 2016-07, Town of Londonderry Town Manager Kevin Smith has been monitoring the drought conditions via communication with the New Hampshire Department of Environmental Services (“NHDES”);

**WHEREAS** as of Thursday, April 13, 2017, the US Drought Monitor Center has classified the Town of Londonderry as a municipality suffering from “Moderate” drought conditions, a downgrade from the “Extreme” conditions that existed last fall;

**WHEREAS** RSA 41:11 allows municipalities through their governing body to establish restrictions on the use of water from private wells or public water systems for residential outdoor lawn watering when a drought condition has been declared; and

**WHEREAS** Portions of Londonderry are already under some restrictions as put in place by the public water supply companies.

**NOW THEREFORE, the Town of Londonderry**, by and through the Londonderry Town Council, **hereby amends** the water ban as adopted in Ordinance 2016-07 and **ordains** that, in response to the improved but still moderate drought conditions and the impacts therefrom facing the residents of Londonderry, effective \_\_\_\_\_, Ordinance 2016-07 shall be replaced by Ordinance 2016-07A; and that this amended Ordinance 2016-07A shall impose a mandatory restriction on the watering of all residential lawns as follows and in accordance with RSA 41:11-d: **Residents with house number addresses ending in an ODD number (1, 3, 5, 7 or 9) shall only be permitted to water their lawns on Mondays, Wednesdays, Fridays, and Sundays; and Residents with house number addresses ending in an EVEN number (0, 2, 4, 6 or 8) shall only be permitted to water their lawns on Tuesdays, Thursdays, Saturdays and Sundays.** Enforcement of this restriction shall be completed by any sworn officer of the Town of Londonderry Police Department, which is hereby granted the authority to initiate any enforcement action against any violator of this restriction. Any person failing to comply with the restriction shall be deemed in violation and subject to the following penalties pursuant to RSA 651:2: (1) a first violation shall result in a warning; (2) a second violation shall result in a \$250 fine; and (3) each succeeding violation shall result in a \$500 fine. Furthermore, it is encouraged that all non-residential property owners in Londonderry voluntarily abide by the same restriction.

\_\_\_\_\_  
Tom Dolan, Chairman  
Londonderry Town Council

(TOWN SEAL)

\_\_\_\_\_  
Sherry Farrell  
Town Clerk

***A TRUE COPY ATTEST:***  
***05/15/2017***

## **TOWN OF LONDONDERRY RESTRICTED WATER USE ORDINANCE**

### **I. PURPOSE**

To protect public health and safety by restricting the use of water from private wells or public water systems for residential outdoor lawn watering during a state or federally declared drought.

### **II. AUTHORITY**

This regulation is adopted pursuant to the provisions of RSA 41:11-d, which authorizes the local governing body to establish regulations restricting the use of water from private wells.

### **III. APPLICABILITY**

The requirements of this section shall apply immediately after the public notice period described in Section VII to all residential outdoor lawn watering within the Town of Londonderry when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

### **IV. DEFINITIONS**

A. Drought: A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are used by the Town of Londonderry to determine the declaration of a drought condition:

- i. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan
- ii. State of Emergency declaration by the Governor's Office
- iii. United States Drought Monitor

B. Residential Lawn Watering: The application of water to decorative grass at a property that has a primary use to provide living accommodations for people.

### **V. REQUIREMENTS UNDER DROUGHT CONDITIONS**

The following limits to residential lawn watering shall apply under drought conditions as determined by the Londonderry Town Council, and will be included in the public notice required under Section VII of this regulation. Such restriction shall remain in effect until terminated as provided in Section VIII.

AS OF \_\_\_\_\_ THE TOWN COUNCIL HEREBY IMPLIMENTS THE FOLLOWING RESIDENTIAL WATER USE RESTRICTION:

Residents with house number addresses ending in an ODD number (1, 3, 5, 7 or 9) shall only be permitted to water their lawns on Mondays, Wednesdays, Fridays, and Sundays.

Residents with house number addresses ending in an EVEN number (0, 2, 4, 6, or 8) shall only be permitted to water their lawns on Tuesdays, Thursdays, Saturdays and Sundays.

#### **VI. PUBLIC NOTIFICATION OF WATER USE RESTRICTION**

Notification of any intention to restrict water use and the requirements associated with Section V shall be given at least three calendar days before implementation. Notice of the regulations shall be posted in a paper of general circulation and shall be posted in at least two public places.

#### **VII. TERMINATION OF WATER USE RESTRICTION**

Public notification and termination of water use restriction shall be given in accordance with Section VI.

#### **VIII. ENFORCEMENT**

Any sworn officer of the Town of Londonderry Police Department is hereby granted the authority to initiate any enforcement action against any violation of the provisions of this Ordinance.

#### **IX. PENALTIES**

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed a violation and subject to penalties pursuant to RSA 651:2:

First violation: Warning

Second violation: \$250

Third and succeeding violations: \$500

# RESOLUTION #2017-03

A Resolution Relative to

## Legalizing, Ratifying and Confirming all Actions, Votes and Proceedings from the 2017 Election

First Reading: 05/15/2017

Second Reading: Waived

Adopted: 05/15/2017

**WHEREAS** the original election date of March 14, 2017 was postponed to March 21, 2017 due to a weather emergency; and

**WHEREAS** the Londonderry Town Council, pursuant to Chapter 20 (HB 329) of the 2017 legislative session, hereby legalizes, ratifies and confirms all actions, votes and proceedings held at the 2017 Town Election ; and

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that all actions, votes and proceedings held at the 2017 Town Election are legal, confirmed and ratified pursuant to Chapter 20 (HB 329) of the legislative session. This action is taken after a properly noticed public hearing, said notice having been published in the Londonderry Times and posted on the Town of Londonderry's website 72 hours prior to this action.

\_\_\_\_\_  
Tom Dolan - Chairman  
Town Council

(TOWN SEAL)

\_\_\_\_\_  
Sharon Farrell - Town Clerk

**A TRUE COPY ATTEST:**  
**05/15/2017**

# ORDER #2017-15

An Order Relative to

## **EXPENDITURE OF**

## **MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS**

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Reading: 05/15/2017

Adopted: 05/15/2017

**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 \$13,090.00 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 \$13,090.00 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

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Tom Dolan, Chairman  
Town Council

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Sharon Farrell  
Town Clerk

**A TRUE COPY ATTEST:**  
05/15/2017

**Expendable Maintenance Trust TC Order Request  
for Town Council Meeting \*5/15/17\***

Description	Vendor	Amount
<p><b><u>Repair of King Fisher Box at North Fire - LFD North Fire</u></b>                      The existing King Fisher Transmitter was failing the weekly transmitter test to LFD Central Fire Dispatch. The purpose of the transmitter is to send a signal back to Central Fire in the event the fire system detects an issue (smoke, medical, CO, etc.), which, Central Fire would dispatch the appropriate response. This EMTF request is for the labor/materials/testing of the replacement King Fisher Transmitter.</p>	<p>Active Alarm - Invoice # 053490</p>	<p>\$ 4,290.00 \$ 4,290.00</p>
<p><b><u>Repair of the Holding Cell Toilets - LPD</u></b>                      LPD has a total of 8 units (6 holding, 1 hazmat, 1 processing), 6 of these units are in need of repair. This EMTF is for the labor/materials to replace the defective solenoid water valves, re-wiring of the replacement valves, rebuild the Acorn toilets, test the repairs, and removal of defective parts. The estimate is \$8,893.93, EMTF will pay \$5,000 towards the repairs, LPD budget will pay for the remaining balance (\$3,893.93).</p>	<p>Jeff Daigle Plumbing - Quote # 1778</p>	<p>\$ 5,000.00 \$ 5,000.00</p>
<p><b><u>W.B. Mason Community Room Tables - LPD</u></b>                      The existing tables in the community room (installed in 2004), have been repaired several times, and are no longer repairable. This EMTF request is to assist the LPD with the purchase of 16 bases &amp; 16 tops to replace the existing tables. The lowest quote is \$7,864.96, EMTF will pay \$3,800.00 towards the project, LPD budget will pay for the remaining balance (\$3,864.96).</p>	<p>W.B. Mason - Quote 3/1/17</p>	<p>\$ 3,800.00 \$ 3,800.00</p>
<p align="right"><b>Total Town Council EMTF Order</b></p>		<p>\$ 13,090.00</p>



# ORDINANCE 2017-03

## Amendment to Restriction on Removing Water from Public Bodies of Water for Commercial Use

First Reading: 05/15/2017

Second Reading/Public Hearing: 06/05/2017

Adopted: \_\_\_\_\_

**WHEREAS** on November 7, 2016, the Town of Londonderry, by and through the Londonderry Town Council, adopted Ordinance 2016-08, an Ordinance Relative to a Restriction on Removing Water from Public Bodies of Water for Commercial Use, specifically in response to the drought conditions then facing Town residents, thereby imposing a mandatory ban on the withdrawal of water from public bodies of water for commercial use; resting enforcement of said ban with the Town of Londonderry Police Department; and imposing certain penalties for violation of said ban pursuant to RSA 651:2;

**WHEREAS** although the Town is no longer experiencing “drought” conditions as classified by the US Drought Monitor Center, and therefore a portion of the stated basis for Ordinance 2016-08 does not currently exist, residents remain concerned about the impact of commercial businesses withdrawing water from the Town of Londonderry’s public bodies of water for commercial use;

**WHEREAS** RSA 41:11-a empowers the Town Council to “manage all real property owned by the town and to regulate its use unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes”;

**WHEREAS** the Town’s public bodies of water are real property and the ban on removal of water from the Town’s public bodies of water for commercial use has not been delegated to other public officers by vote of the town, nor is this particular action governed by other statutes;

**WHEREAS**, RSA 41:11-a thereby allows the Town Council to manage and regulate the use of public bodies of water in the Town of Londonderry;

**NOW THEREFORE, the Town of Londonderry**, by and through the Londonderry Town Council, **ordains** that: (1) Ordinance 2016-08 is repealed; and (2) a mandatory prohibition on the withdrawal of water from public bodies of water for commercial use is imposed. Enforcement of this restriction shall be completed by any sworn officer of the Town of Londonderry Police Department, which is hereby granted the authority to initiate any enforcement action against any violator of this prohibition. Any person failing to comply with the prohibition shall be deemed in violation and subject to the following penalties pursuant to RSA 651:2: (1) a first violation shall result in a warning; (2) a second violation shall result in a \$250 fine; and (3) each succeeding violation shall result in a \$500 fine.

\_\_\_\_\_  
Tom Dolan, Chairman  
Londonderry Town Council

(TOWN SEAL)

\_\_\_\_\_  
Sherry Farrell  
Town Clerk

**A TRUE COPY ATTEST:**

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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May 1, 2017

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

Present: Chairman Tom Dolan; Vice-Chairman John Farrell; Councilors Jim Butler, Joe Green and Ted Combes; Town Manager Kevin Smith, Assistant Town Manager Lisa Drabik and Temporary Executive Assistant Stacie Street.

## CALL TO ORDER

Chairman Dolan called the Town Council meeting to order at 7:01 PM. Chairman Dolan led the Pledge of Allegiance. This was followed by a moment of silence to honor uniformed men and women who serve us here and abroad.

## PUBLIC COMMENT

Public Comment opened with Chairman Dolan reading a Proclamation into record.



## PROCLAMATION FOR NATIONAL POLICE WEEK 2017

To recognize National Police Week 2017 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

**WHEREAS**, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Londonderry, NH Police Department;

**WHEREAS**, there have been 15,548 assaults against law enforcement officers in 2015, resulting in approximately 14,453 injuries;

**WHEREAS**, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

**WHEREAS**, 394 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 143 officers killed in 2016 and 251 officers killed in previous years;

**WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 29<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2017;

**WHEREAS**, the Candlelight Vigil is part of National Police Week, which takes place this year on May 14-20;


**WHEREAS**, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

**THEREFORE, BE IT PROCLAIMED** that the Town Council for the Town of Londonderry, New Hampshire formally designates May 14-20, 2017, as Police Week in Londonderry, New Hampshire and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

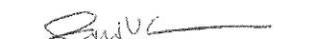
Signed this 1<sup>st</sup> day of May, 2017 at the Town of Londonderry, New Hampshire in the witness thereof the seal of the Town of Londonderry and the signatures of its Town Council.

  
Tom Dolan - Chairman

  
Jim Butler - Councilor

  
Ted Combes - Councilor

  
John Farrell - Vice-Chairman

  
Joe Green - Councilor

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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40 Chief Hart was present along with Sargent Jason Tuefel. He spoke of the unique relationship the town has  
41 with the community and on behalf of the Londonderry Police Force, thanked the Council, and residents  
42 for its support.

43

44 Councilor Farrell spoke of the water ordinance update, Ordinance 2016-07A in regards to water usage.  
45 He reminded all that there will be a discussion on May 15<sup>th</sup> at the next Town Council meeting and given  
46 the forecast and expected rain, there will likely be changes to the ordinance. He stated that if people needed  
47 to schedule getting lawn sprinklers ready, the Police and Town Manager would show understanding in  
48 consideration of expected changes.

49

50 Chairman Dolan moved onto interviews of 4 Talent Bank Volunteers for current open board positions;  
51 Heritage Commission, 1 alternate member. Zoning Board of Adjustment, 1 alternate member. Planning  
52 Board, 2 alternate members.

53

54 Roger Fillio. 3 Hampshire Lane. Chairman Dolan stated that if Mr. Fillio was chosen for the Planning  
55 Board, he would need to resign from the Heritage Commission. Mr. Fillio gave his background, he is  
56 currently on both the Heritage and Conservation Commissions. He is looking to be on the Planning Board  
57 because he feels to make a difference in town, you need to be where a difference is needed. He has  
58 reviewed Planning Board rules and regulations and likened them to Conservation. He felt that if changes  
59 needed to be made, other outlets had to be found. He referred to the Stonehenge situation. Mr. Fillio also  
60 stated that he had interest in the Planning Board because of the current traffic situation. He suggested that  
61 infrastructure had to be looked it and this should be brought up to the Planning Board.

62

63 Chairman Dolan reminded all volunteers of the open positions and asked that they consider volunteering  
64 for other positions if they were not chosen for their first choice.

65

66 Vice Chairman Farrell spoke of his time and experience on the Planning Board. He asked Mr. Fillio if he  
67 could guess that most commonly asked question he encountered. Mr. Fillio guessed the question was about  
68 how the development would impact the town. Vice Chair Farrell said he was close... traffic. He said it's  
69 a tedious process but believes there has to be a solution. Vice Chairman Farrell said there are a lot of rules  
70 and often times they don't make sense. Consideration had to be given to the oath that is taken and the  
71 decisions that could conflict. Mr. Fillio stated that he was in the military for 35 years and rules and  
72 regulations were what he was all about but felt he could voice his opinion if he didn't agree. He wasn't  
73 afraid to have a voice. Councilor Butler had no questions. Councilor Joe Green stated he was looking for  
74 people who offered diversification to the process. He asked Mr. Fillio what he had to offer that was  
75 different from who was currently on the Planning Board. Mr. Fillio replied that he is a solid rules and  
76 regulations guy. If he sees something in the rules that doesn't jive with what people in the town need, he  
77 would try to find a way to change the rules and regulations. He believes that if what you want is legitimate,  
78 there has to be a way to change the rules/regulations. Councilor Joe Green then asked Mr. Fillio, assuming  
79 he'd been in town for a long time, knowing the ebbs and flows of developments, what his vision for  
80 Londonderry's future was? Mr. Fillio replied with a detailed growth monitoring idea. He stated that  
81 Growth Management is next to infrastructure. Councilor Green's final question for Mr. Fillio was about

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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82 change and how he would go about it. Mr. Fillio referred to a recent issue with Stonehenge and the  
83 approvals they were given. He suggested that if certain exceptions were not given originally, perhaps the  
84 PB wouldn't have any problems now had the exceptions not been given. Mr. Fillio went on to state that  
85 having never served on the PB and having it clarified at Town Council... just because you want something  
86 does not mean that you are going to be able to do it. You have to work within the system. Mr. Fillio also  
87 stated that he knows other military members who left the military because they couldn't make changes  
88 but Mr. Fillio felt that staying involved was THE ONLY way to make changes. Councilor Ted Combes  
89 asked Mr. Fillio if he had a construction background. Mr. Fillio stated that he had been real estate agent  
90 and is familiar with real estate law. He has worked as a construction supervisor and has an Associate's  
91 Degree in Civil Engineering.

92  
93 Chairman Dolan stated there were no further questions for Mr. Fillio and if he wanted to wait for all  
94 interviews to be done, there would be decisions made.

95  
96 Brendan O'Brien. 20 White Plans Avenue. Grew up North of Boston, wife is from Londonderry and  
97 moved back here about 3 years ago. Studied history and government at Hamilton College. Studied law at  
98 Boston College. He has practiced law in NY, MA, and now in Manchester, NH. Stated he wants to get  
99 more involved in the town, specifically the Zoning Board. Vice Chairman Farrell asked Mr. O'Brien if he  
100 had children in the school, he stated he did not, yet. He then asked what period of time his wife lived her.  
101 Mr. Obrien replied that her family moved here in 1995, she moved away for a few years after college but  
102 returned 3 years ago. Vice Chairman Farrell asked that knowing the change in our town since they were  
103 last here, they still decided to move back? Mr. O'Brien confirmed that Londonderry is home. Vice  
104 Chairman Farrell asked Mr. Obrien to share his point of view in regards to the direction the town is going  
105 in. Mr. O'Brien stated that he does think the town is going in the right direction. He pointed out 3 current  
106 developments (Stonehenge, Pettingill Rd. and Woodmont) and shared that he believes Londonderry is in  
107 a unique position. 45 miles from Boston, just south of Manchester, it is a place of opportunity based on  
108 location alone. Mr. O'Brien's vision of the town is to keep as much of the character as possible but also  
109 recognize there will be changes. He hopes the changes will be made in an intelligent way. Vice Chairman  
110 Farrell question his home location in that it is separated from the majority of the change currently going  
111 on (Rte. 93, etc). Mr. O'Brien stated that his in-laws just moved from the Hardy Rd. area so he has been  
112 following the changes closely. Councilor Butler asked Mr. O'Brien if he specialized in any particular area  
113 of law? Mr. O'Brien stated he primarily practiced litigation but now does mostly insurance defense work.  
114 Councilor Butler then asked why Mr. O'Brien picked the ZBA as his first choice? Mr. O'Brien believed  
115 that having a legal back-ground and knowing what the ZBA does, he would be most helpful on the ZBA,  
116 specifically looking at variances and zoning ordinances. Councilor Green asked how Mr. O'Brien would  
117 take action against something that got in his way, if he was put on the Planning Board (for example)? Mr.  
118 O'Brien replied that he would look at current rules and regulations, see how they've been interpreted in  
119 the past and he would take each case on a case to case basis. Councilor Green restated his question, what  
120 he wanted answered specifically was if he would stand up if something got in his way. Specific to that  
121 question, Mr. O'Brien stated that if there are consistent things getting in the way of developments, he  
122 thinks you need to look at why that exists in the first place, what is its purpose? Councilor Green agreed,  
123 stating that often things are done one way just because it's always been done that way. Mr. O'Brien agreed  
124 further, stating that if something is in the way, it should be looked at to see why? Why is it being done  
125 this way? Councilor Combes had no questions and Chairman Dolan thanked Mr. O'Brien for volunteering.

126



## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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127 Peter Cummerford, 11 Jefferson Drive. Has lived in Londonderry for the last 2 years. He is interested in  
128 the Planning Board but is open to other available positions. He is an electrical engineer for a Biometrix  
129 firm. He grew up in the construction trade. Most recently he completed a 4 house subdivision and he  
130 worked with all of the Boards in that community so he is very familiar with how it all works and he  
131 believes his experiences would make him a great asset to the Planning Board. Councilor Combes had no  
132 questions. Councilor Green asked Mr. Cummerford for his vision, where did he see the town going in 5-  
133 10 years? Mr. Cummerford replied that since he was new, it would be hard to put a vision on it. He stated  
134 he liked the community, but knows change is inevitable and he'd like to be a part of it. Councilor Green  
135 then asked if Mr. Cummerford liked the way the town is now, not too much traffic, not too busy, not too  
136 commercial and is this why Mr. Cummerford moved here? He answered, absolutely. Mr. Cummerford  
137 liked the location of the commercial properties being close to the highway but his house is in a quiet area.  
138 Mr. Cummerford replied, "No" when Councilor Green asked if he had been on any other boards before.  
139 Councilor Green then asked, if he sees something that needs to be changed/addressed, how would Mr.  
140 Cummerford go about doing so? Mr. Cummerford replied that he would ask questions. He felt that there  
141 was a need to understand how things work before implementing corrective actions. Councilor Butler then  
142 asked Mr. Cummerford what his biggest hurdle was when dealing with the recent subdivision he just  
143 worked on, when dealing with the planning board. He replied that he had to deal with some sight easements  
144 on the family owned property the development was on. He referred to an S curve and property the state  
145 had taken from the road back in 1925. The purpose was to straighten the road but that never happened. So  
146 it got technical with who owns it... who's job is it... who's responsible for it... can the road be widened.  
147 It was a technicality going back to 1925. Vice Chairman Farrell questioned Mr. Cummerford about his  
148 work with veteran's and senior citizens in the area. Mr. Cummerford replied that he has tried to work more  
149 closely with them but hadn't had the introductions needed to get involved. Vice Chairman Farrell pointed  
150 to State Representative Dave Thomas who could help him in this capacity as Vice Chairman Farrell agreed  
151 that helping these groups are always underserved and anyone willing to step up to offer help is good by  
152 him.

153

154 Final interviewee, Krystopher Kenney, 177 High Range Road. He moved to Londonderry 6 years ago,  
155 moving here for the schools, but falling in love with Londonderry's nature and practicality. Since moving  
156 here, he's become interested in the community and all that is going on (Woodmont, Pettingill Road) and  
157 is looking to get involved in any way that he can. Vice Chairman Farrell asked Mr. Kenney what he  
158 thought of the speed of the drivers on High Range Rd? They both agreed they were not fans. Mr. Kenney  
159 went on to say that he had let the police sit in his driveway in an effort to help slow down traffic. Vice  
160 Chairman Farrell liked that Mr. Kenney was engaged and then asked him if he cared more about the  
161 aesthetics of what the town looked liked or more about what is coming and how that will affect everything  
162 else in town? Vice Chairman Farrell continued and explained how the Heritage Commission kept the New  
163 England look... or did he prefer the depths of the plans, how it would affect schools, traffic, etc... Mr.  
164 Kenney replied that he was moderate, he liked the town aesthetics of our town but he is more interested  
165 in where the town is headed and how will the big projects/developments affect the future of the town,  
166 traffic. Councilor Green asked Mr. Kenney if he had ever attended a planning board meeting? He answered  
167 no but had seen one on TV. Councilor Green then asked what Mr. Kenney brought to the table if he joined  
168 the planning board? He replied that his background included being a part of building Patriot Place. He  
169 was involved with the start-finish details of building The Renaissance Hotel. He admitted he does not  
170 otherwise have a lot of civil experience with things like traffic studies. Mr. Kenney confirmed that if he  
171 did not know something, he would go figure it out. Councilor Green then asked Mr. Kenney to share his  
172 5-10 year vision of the town. Mr. Kenney again stated that he likes the aesthetics of the town and were it

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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173 is going, he likes the idea of a community center, enjoys the Rail Trail and Musquash, and is excited to  
174 see the “tourism” a community center would bring. Councilor Green then asked Mr. Kenney how does he  
175 affect change when it is necessary? Mr. Kenney replied that he would use his peers, bring ideas to the  
176 planning board and upon any resistance, use petitions and in general, not being silent. Councilor Combes  
177 had no questions.

178

179 Councilor Green made a motion to place Brendan O’Brien on the Zoning Board of Adjustment. Councilor  
180 Butler second. Approved 5-0-0.

181

182 Chairman Dolan reminded all volunteers, once appointments had been made, to take their oaths in the  
183 Town Clerk’s Office as soon as possible.

184

185 No Motion was presented to appoint someone to The Heritage Commission. Vice Chairman Farrell  
186 suggested that one of the men might want to volunteer himself to this position? Peter Cummerford asked  
187 if the Council could explain what the Heritage Commission does? Chairman Dolan explained that the  
188 Heritage Commission is a watch dog about design and when a new design comes to the planning board,  
189 Heritage recommends changes, if needed. Vice Chairman Farrell added that in the last 20 years, he has not  
190 seen a plan approved by the Planning Board that did not have the Heritage Commission’s support. He added  
191 that Heritage sees everything before Planning does to make sure it meets the character of the town.

192

193 Vice Chair Farrell made a motion to appoint Peter Cummerford to the Heritage Commission. Councilor  
194 Combes second. Councilor Green then stated that he felt that Mr. Cummerford had a lot to offer and he  
195 would like to see him sit on the Planning Board. He did not want the Council to rush into making this  
196 decision just to fill the seat on the Heritage Commission. Vote Failed 2-3-0

197

198 Councilor Green made a motion to appoint both Peter Cummerford and Roger Fillio to the Planning Board.  
199 Councilor Butler Second. Motion Approved 4-1-0.

200

201 Chairman Dolan asked Mr. Kenney if a motion was made to appoint him to Heritage, would he be willing.  
202 He approved. Councilor Green made a motion to appoint Mr. Kenney to the Heritage Commission.  
203 Councilor Butler Second. Motion Approved. 5-0-0

204

205 All Councilors joined Chairman Dolan in thanking the four men for volunteering, interviewing and  
206 answering questions. He reminded the men to visit the Town Clerk to take their oaths. He then reminded  
207 Roger Fillio that prior to taking his oath, he would need to resign from the Heritage Commission. Mr. Fillio  
208 asked about his position on the Conservation Commission. It was agreed that the only conflict was with  
209 Heritage and he could keep his chair on Conservation. Chairman Dolan asked Mr. Fillio to send his letter  
210 of resignation to him via the Town Manager’s office. Town Manager Smith informed everyone that the  
211 Town Clerk was out the next few days and the earliest she would be able to do the oaths was on Friday.

212

213 Chairman Dolan brought up the state wide effort to turn-in prescription drugs. He talked about the extra  
214 pills from prescriptions that are often left behind and forgotten about. He spoke about the extra effort that

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

215 Londonderry has given in that the Police Station offers a 24 hour, 7 day a week, take back program. Chief  
216 Hart spoke briefly about The Londonderry Police Department, along with the Town, being involved with  
217 this take back program from its inception, along with the DEA. Chief Hart said the program has been on-  
218 going for about a year. It has been very successful. It is open 24 hours a day, 7 days a week, every day of  
219 the year. There are no concerns about confidentiality as there are no cameras. It is located in the Anti room  
220 in the lobby of the Police Station. Chief Hart stated they are looking to help people out, not jam people up.  
221 His hope is that it has helped someone who may have been on the fence with contraband substances.  
222 Chairman Dolan spoke of the recent news to be aware, if selling your house that people may be on a drug  
223 hunt. He also made a recommendation to consider asking for smaller prescriptions when talking to  
224 physicians. It's OK to ask for 5-10 pills vs. 30. As residents, we can be proactive. Chairman Dolan thanked  
225 Chief Hart for his efforts.

226

227 Councilor Butler stated that he was at the Town Common this weekend and noticed that the flag deposit  
228 box was over flowing. Chairman Dolan stated that flags could be brought to the legion. Councilor Butler  
229 asked if someone could make arrangements to have the flags picked up. Town Manager Smith said he  
230 would take care of it.

231

232

### PUBLIC HEARING

233

234 Chief Hart and Sargent Jason Tuefel presented Resolution 2017-02, A Resolution Relative to the  
235 Acceptance of Unanticipated Revenue Under RSA 31:95-b. Sargent Tuefel spoke about the radio active  
236 detectors carried at the airport, like pagers. They are aged and some do not work. He spoke of the  
237 increased risk of radiological isotopes and the need to be able to detect them. Sargent Tuefel said that  
238 while researching, he came across the grant, from the NH Emergency Management Office that allows  
239 them to purchase 5 new pagers. The pagers will allow them to detect at a wider range and also identify  
240 the source. Sargent Tuefel explained that the way the grant works, ¼ will be paid by the Town, ¼ by the  
241 airport and ½ by the state.

242

243 Vice Chairman Farrell made a motion to waive the reading of the Resolution and approve it. Councilor  
244 Green Second. Before voting, Councilor Butler asked what the life expectancy of the pagers was. Sargent  
245 Tuefel stated that they came with a 2 year warranty, and with proper recommended maintenance, they  
246 would far outlast the devices they currently had. He reminded the Council that they were a superior device  
247 as well. Motion Approved 5-0-0.

248

249 Steve Cotton presented Order #2017-14, an Order Relative to the Expenditure of Maintenance Trust  
250 Funds for Various Projects in the amount of \$8,450.00 for sidewalk and slope repairs to the Town Hall  
251 as well as a paging system at South Fire Station. Mr. Cotton noted that the Fire Department will share  
252 the cost of the paging system with the town (EMTF \$3,000.00 and LFD \$2,029.53).

253

254 Councilor Green wanted to know if there was only one quote because of the continuity of the systems  
255 between other fire stations. Mr. Cotton confirmed. He then asked whether or not the Town had down  
256 work with DLB paving before? He stated we had and he checked their references.

257



## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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258 Councilor Green made a motion to approve. Councilor Combes second. Motion Approved 5-0-0.

259

260 Chairman Dolan introduced the review of the Town LED Light Replacements. Town Manager Smith  
261 spoke about the effort made by Steve Cotton and gave him the full credit for pushing this effort. He stated  
262 that this was good for both tax payers and the environment. Converting all lights to LED lights has a  
263 relatively short term of return in investment, the upfront cost isn't too large and there is a savings over  
264 time. Town Manger Smith stated that at this time last year, they began the effort. At a cost of about  
265 \$19,000, there was a rebate from Eversource (\$3,700.00) and that project was funded through a budget  
266 line item. Return on investment is 1.87 years, so we will see a return in under 2 years. Annual savings on  
267 the electrical bill is about \$10,000. Now that Town Hall is done, the next step is to convert Town street  
268 lights. The cost of this conversion will be approx \$48,000. We will once again receive a rebate (\$14,000),  
269 from NH Saves and Eversource. Total upfront investment is approx \$34,000. This will be paid for by  
270 some money encumbered at the end of this fiscal year, he referred to the healthy financial state we are in  
271 according to finance director Doug Smith's report at the last TC meeting. The remainder will come from  
272 the fiscal year 2018 budget. Return on investment will be almost immediate. It will save us about \$15,000  
273 a year. Looking ahead, the next conversions to LED would be the library and the police station. Town  
274 Manager Smith stated that Londonderry has gained some notoriety from this project. The NH Clean Tech  
275 Council and NH Nature Conservancy created a video highlighting the conversions which was recently  
276 aired at a conference. Town Manager Smith shared the video. Councilor Butler asked if any residents had  
277 called in questioning about Town Street lights? Both Mr. Cotton and Town Manager Smith stated no.  
278 Mr. Cotton stated that the street light conversion would focus on the 144 lights we currently have. Mr.  
279 Cotton shared that LED lights will produce one consistent level of light, colors will be crisper, and light  
280 will be broader. Chairman Dolan asked about the library, he recalled high costs for the replacement of  
281 their lights. Mr. Cotton said the initial survey of the library shows a savings of \$4,000.00 per year.

282

283

### **OLD BUSINESS**

284

None.

285

286

### **NEW BUSINESS**

287

None.

288

289

### **APPROVAL OF MINUTES**

290

291 Approval of Town Council minutes from April 17, 2017 made by Councilor Green and second by  
292 Councilor Butler. Chair votes 5-0-0.

293

294

### **LIAISON REPORTS**

295 Councilor Combes stated that the Conservation Commission is working on some plans, working with their  
296 architect and engineers, going over for finer details. They are also very concerned about landscapers and  
297 construction companies taking water out of public water sources. Chairman Dolan spoke of the Ordinance  
298 that restricted public use of water. Councilor Combes stated they looked for the Ordinance and it was not  
299 posted on the web-site. Town Manager Smith stated that he would speak to Conservation and get them a

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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300 copy of the Ordinance. Councilor Green asked if it could be posted on the web-site. Town Manager Smith  
301 confirmed that it would be.

302

303 Chairman Dolan reminded everyone that on at the May 15 TC Meeting, there would be another public  
304 hearing to review the current Ordinance we have concerning the water ban. Councilor Green asked that in  
305 order to have any restrictions on water usage, the state had to declare a drought. Assistant Town Manger  
306 Drabik answered yes. Councilor Green added that he had confusion as to why they relied on the state  
307 declaring a drought to worry about our water supply. Chairman Dolan replied that NH is not a “Home  
308 Rule” state. We are a state in which the legislation enables us to enact if we so choose but we cannot  
309 independently create a law that hasn’t been provided for us to use. Councilor Green expressed a concern,  
310 stating he had received one letter and many calls about this issue and he wants to be able to explain to the  
311 residents why we cannot just declare, without a drought situation, and he now clearly understands the  
312 reason. Councilor Green thanked Chairman Dolan for explaining.

313

314

### TOWN MANAGER/ASSISTANT TOWN MANAGER REPORT

315

316 Assistant Town Manager Drabik stated that after many town elections were postponed due to the weather,  
317 the governor just signed a town meeting ratification bill, HB-329. This bill does 2 things; it mandates that  
318 results for any elected positions are now ratified but with regard to warrant articles, it allows but does not  
319 require Town Councils to hold a properly noticed Public Hearing after which the Council may vote to  
320 legalize, ratify and confirm the results of the 2017 Town Elections. Ms. Drabik stated that “properly  
321 noticed” is 72 hour advanced notice, publication in a newspaper (Londonderry Times) and placed on our  
322 web-site. She then stated that our town attorney stated that it would be in the best interest of the Council to  
323 hold such a Public Hearing. Ms. Drabik then informed the Council that the School Board will be holding  
324 their own Public Hearing in regards to their warrant articles. Chairman Dolan asked the Council if it would  
325 like to hold the Public Hearing as requested by the town attorney and if so, when? After brief discussion,  
326 it was decided to add this Public Hearing to the May 15 agenda.

327

328 The Assistant Town Manager reported on the passing of warrant article with regard to senior transportation.  
329 She is in the process of collecting information. She has met with CART and spoken with Senior Director,  
330 Cathy Blash and she plans to attend the next Senior Affairs Meeting. She is reaching out to other  
331 communities, as well as speaking to Primex. Given that the warrant was broadened to allow options other  
332 than hiring town employees, she thought it might be in the best interest of the town to explore something  
333 like a voucher system so the need could be assessed for the first year. This is an on-going process and she  
334 will continue to give updates.

335

336 Councilor Dolan asked if someone could contact the School Department and let them know of the Council’s  
337 plan to hold the public hearing in regards to the warrant articles (HB-329).

338

339 In regards to senior transportation, Councilor Green asked if we had accepted the donation of the van yet?  
340 Town Manager Smith replied that we had it was in the parking lot, the van was provided by Ford of  
341 Londonderry. Due to the rewording of the arrant article, Town Manager Smith wanted full transparency in  
342 that Ford was notified that initially the van may not be used for senior transportation. Ford was

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

343 understanding and still wanted to make the donation. Councilor Combes asked if anyone had called the  
344 town requesting a ride. No one was aware that any such calls had been received. Councilor Green stated  
345 that he had been contacted by Green Cab, they were interested in getting the voucher system up and running.  
346 Assistant Town Manager Drabik stated that she had also been in contact with Green Cab.

347

348 Town Manager Smith gave a traffic update on Route 102. He referred to the construction by exit 4, and  
349 some current delays. He pointed out that the DOT will be resurfacing all of 102, from Hudson all the way  
350 to the south entrance to 93. There is a list of all the roads being resurfaced in our Town posted on our web-  
351 site, under the Public Works department. Chairman Dolan suggested that residents start making judgments  
352 about commuting decisions based on resurfacing. Town Manager Smith agreed and encouraged anyone  
353 who was able, to avoid any areas being resurfaced. He added that in addition to the resurfacing, there would  
354 also be the reconstruction and new paving of Michael's Way (Garden Lane). Councilor Butler asked about  
355 the memorial plaque from the Ash Street Bridge? He wanted someone to look into where it was and what  
356 would be in its place. Chairman Dolan brought up the FW Webb building and asked if the Council could  
357 get a tour. Town Manager Smith said he'd set that up.

358

359 Town Manager Smith stated that this was Stacie's last TC meeting. He thanked her for jumping in and  
360 doing a great job. He then wished Councilor Jim Butler a Happy Birthday!

361

362 Councilor Green brought up Exit 4 and the traffic issue. He asked if there was anything that could be done  
363 as it will get worse before better. Chairman Farrell stated that there was a rerouting plan when the project  
364 was initially introduced. Councilor Green asked if there was signage with alternate routes that could be  
365 posted. Chairman Dolan suggested getting a spokesperson from the DOT to come to TC and give an update  
366 as to what's going to happen, it would be helpful to the community.

367

368

### ADJOURNMENT

369

370 Motion to adjourn made by Councilor Green and second by Councilor Butler. Chair votes 5-0-0.

371

372	Notes and Tapes by:	Stacie Street	Date: May 1, 2017
373	Minutes Typed by:	Stacie Street	Date: May 2 and 3, 2017
374	Approved by:	Town Council	Date: May 15, 2017