

**TOWN COUNCIL MEETING**  
**September 12, 2011**

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

**PRESENT: Town Council: Chairman Sean O’Keefe; Vice Chairman Joe Green; Councilors: Tom Dolan, Tom Freda; Town Manager Dave Caron; Executive Assistant, Margo Lapietro; Absent: Councilor John Farrell.**

**CALL TO ORDER**

**Chairman O’Keefe opened the meeting at 7: 00 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country and in observance of 9/11’s 10<sup>th</sup> anniversary.**

**PUBLIC COMMENT**

**Meg Seymour, Town Clerk-Tax Collector – Confirmation of Kathleen Gardner as Deputy Town Clerk-Tax Collector -** M. Seymour presented Kathleen Gardner who has been selected for the Town Clerk-Tax Collector position. She has experience with the City of Manchester Clerk’s Office. The Councilors welcomed her and **Councilor Dolan made a motion to confirm the appointment of Kathleen Gardner as Deputy Town Clerk-Tax Collector, second Councilor Freda, Council’s vote was 4-0-0.**

Dottie Grover, Cable Director announced that Drew Caron the Assist. Director of the Cable Department won the “Hometown Video Awards” which is part of a national conference that is held annually. He produced a Veteran’s Day documentary. The Councilors congratulated him on his prestigious accomplishment.

Glenn Douglas, 6 Overlook Ave said that the 2005-2009 Town Council meeting minutes are missing from the website, which Town Manager Caron will check on. G. Douglas stated he was not aware that we had a Deputy Treasurer. Town Manager Caron stated that state law allows communities to appoint Deputy Treasurers who are nominated by the Town Treasurer and confirmed by the Town Council. John Conley was confirmed by Council on 4/07. State law stipulates that when a Town Treasurer is unable to execute their duties either by sickness, absence or resignation, the Deputy assumes the duties until the next Town Meeting; in March there will be an election for one year and then in March of 2013 there will be a three year election up for the voters.

**PUBLIC HEARING**

**Councilor Green made a motion to enter into Public Hearing, second Councilor Freda. Council's vote was 4-0-0.**

**Ordinance #2011-07 – Relative to an Amendment to Title I, Chapter XXVI, Prohibited Activities on Town Property** – Councilor Freda asked if this Ordinance applies to skeet shooting and target shooting, the Town Manager responded yes. Councilor Freda asked if hunting is currently permitted in the Musquash. The Town Manager responded it is and it will continue to be. Councilor Green said this is a fundamental second amendment issue, and he does not feel comfortable taking the rights of the people away from them. There is no difference between target and hunting which is legal all year. Councilor Dolan stated that we got legal advice on this matter. Town Manager Caron explained that the town attorney said it is a matter of policy for the Town Council to decide. The Council would not be restricting anybody from carrying firearms; but you can restrict the discharge of firearms on municipal property. The information we received from the Town Attorney said that he does not believe it was the intent of the legislature that the Town Council could not regulate the use of firearms on town property. No town could set aside land for conservation or recreation if those two uses were deemed incompatible with the discharge of firearms. Currently there is no guidance from the Supreme Court, he cannot advise towns that they have no control of the discharge of weapons on town property. Council looked at hunting several years ago at Musquash, which is allowed during hunting season. Signs are posted so that people are advised that they can expect to see hunters in the Musquash during hunting seasons. Counsel has advised it is an allowed police power of the Council should they choose to enact an ordinance. Chief Hart said the Police Department received 9 shooting complaints over three years, however, it is unknown if they were all in the Musquash or at the shooting ranges located in the area of the Musquash. Councilor Freda said if the location of the shootings was unknown then it was also unknown if it was target or skeet shooting. Town Manager Caron responded that was his understanding in most of the cases. Councilor Green asked how can a stationary target be more dangerous than a moving target. It doesn't make sense to him if we are already allowing hunting. Councilor Freda said the Ordinance is well intentioned but not practical, if the Conservation Commission wants to post notices that shooting is going on then do that. He said he is not sure there is a safety issue. Councilor Dolan said the issue of safety should be addressed and the question is what the safety issue is. He explained he has had a lot of experience with target shooting and safety around target ranges. He said one of the dangers of gun ownership is having inexperienced shooters, they need to practice with target shooting. We should encourage target shooting to get that experience. He proceeded to list the dangers stipulated under the Pistol NZ organization under range instruction. The down range shooting results in over shooting; the purpose of a back stop is to provide a safety area. Sheet shooting is most often done with a shot gun and the construction of a skeet shooting range. He proceeded to explain the distances required for the safety areas for guns and shotguns. He said there are various agencies to consult with constructing firing ranges. Councilor Dolan said we might consider constructing a target range for free or at a minimum cost to the target shooter on town property. The National Rifle Association (NRA) does have a 50/50 grant program. He asked if we would be willing to re-consider a range on town owned land and have this Ordinance recognize that it will be allowed in the future. If the taxpayers want this it could be part of the Deliberative Session funded as a

recreational project. Encourage target shooting safely, with an NRA designed and constructed target range. Al Baldasaro, 41 Hall Rd. said the Fish & Game (F&G) website has lists on where to hunt in NH. He explained there is no difference with a ricochet whether target shooting or hunting. Hunter safety in NH is second to none, we encourage target shooting. He quoted a paragraph from the F&G saying that nearly all land in NH is open for hunting unless it is posted for no hunting. He reviewed the rules of hunting in NH. He said that this Ordinance is “feel good” legislation. He referenced a young person allegedly under 16 shooting without adult supervision in the Musquash. He pointed out that that is illegal, and shooting TVs is littering. He pointed out that there are liabilities on all land. He recommended holding people accountable for laws already in place, post signs so that people know shooting is going on. Nick Amerena 17 Teton Dr. said we should not use taxpayer money to fund a range. Glen Douglas, 6 Overlook Ave. said he read in the paper that this would also include a bow. If you hunt with a rifle you have to site in the rifle. If you don’t site in, you have no idea where the first round goes. He said he is assuming sighting in will be banned during hunting season. The Londonderry F&G would like to build a new range on their property using all the NRA guidelines. The Conservation Commission objected to it saying they had safety issues because the range is pointing into the Musquash. He explained that even with an NRA range you will still have people against it. He said he is not in favor of this Ordinance. He brought up the subject that the public never gets to see what the town attorney says. He said he recognizes attorney/client privilege but he would like to see that information published so we can see what the town attorney says. He said there are plenty of places in the Musquash that are safe for target shooting; this is not a safety issue. Bob Chiras 83 High Range Rd. said if we implement the Ordinance we have tied the hands of the police department and proceeded to explain how. This is a broad based ordinance, do no harm with the Ordinance. Michael Toth, 1 Rabbit Run, said this is a solution that is looking for a problem. He asked the Council not to vote for it. Mike Speltz, 18 Sugar Plum said we should distinguish between hunting, target and shooting. A hunter takes 1 shot; target shooting has a number of rounds that are fired. If we allow target shooting in the Musquash, it will discourage people from using it. With the people using the Musquash it discourages miscreants. You should allow the other users of the Musquash to use the acres. It is not a simple matter to create a target shooting range. Target shooting takes place any time as opposed to shooting which takes place during specific times which allows people the option of not being in the area when it is hunting season. Nick Amerena, 17 Teton Dr. said some hunters hunt in groups of 6 so you could have 6 shots at the same time which could be considered target practice. Reed Clark, Stonehenge Rd. said he puts signs up for no hunting on his 95 acres. Sometimes they are torn down and he finds hunters on the property. Putting signs up might not be effective. Safety is an issue and he agreed to setting up an NRA target area in a specific area of town. Councilor Dolan suggested not moving on this Ordinance tonight because a lot of technical information has been brought up. Perhaps we should get the Londonderry F&G Club to talk about the proper construction of a safe target range. He recommends postponing any action on this. Councilor Freda said nobody is in favor of using tax dollars for this, there are ranges in town; the town should not be in the target range business. If it’s a safety issue then guns should not be there but nobody is talking about that. If an underage person was shooting in the Musquash as alleged, he should be prosecuted. This Ordinance is not the right response; he stated he doesn’t see how this will be enforced due to the logistics involved. **Councilor Green made a motion to strike Section II B from the Ordinance.** Chairman O’Keefe said you are basically saying you don’t

want to approve the Ordinance. Chairman O’Keefe said he understands there might be safety concerns but this legislation does not address it. It is good intentions but it is not doing the right thing. He said it is a good idea to have Londonderry F&G come in and speak on it. **There was no second on the motion, therefore the motion dies.** Councilor Dolan asked if it would be possible to have Londonderry F&G in for the next meeting, Town Manager Caron responded staff will attempt to contact the organization, but there may not be enough lead time for the Club. **Councilor Dolan said he is using his Councilor privilege to postpone this Ordinance until the 9/19/11 meeting to get more information from the Londonderry F&G.** A. Baldasaro suggested that we ask Londonderry F&G to bring a safety film to the next meeting to educate the hikers in the Musquash. Councilor Freda asked the Town Manager if there are any restrictions based on any grants that were obtained to acquire the Musquash that prohibit us from passing such an Ordinance. Bob Saur, 4 Mountain Home Rd. said the hikers are well aware of the gun issue in the Musquash; there is no need to educate them any further. All the signs are posted with the dates both for bow and gun hunting season and we encourage hikers to wear blaze orange, it is not an education issue.

**Ordinance #2011-08 – Relative to Revisions to the Municipal Code, Title I, Chapter XXIV; Title II, Chapters I – X; and Title IV, Chapter III –** Town Manager Caron explained that this is a continuing effort to review and revise all the Municipal Codes. The revisions deal with the Cable Studio, the Traffic Safety Codes, and Public Health, Safety and Welfare. Councilor Dolan made a motion to accept, second Councilor Green. Open for discussion. **Council’s vote was 4-0-0.**

**Ordinance #2011-09 – Relative to the Rezoning of Several Lots to C-II –** **Councilor Green read the ordinance and made a motion to approve, second Councilor Freda.** Community Development Director, Andre Garron was in attendance and explained that the Map 15 area is located on Mammoth Road in the village area of Londonderry. They are looking to make the zoning consistent with the surrounding area which is all a CII zone. Councilor Dolan clarified that this Ordinance is changing the area from a CI to a CII area and asked A. Garron to explain the difference. A. Garron responded that a CI is more office oriented/professional services type of a zone. A CII is more of a motor zone i.e. gas station/repairs. At this particular site there is an existing garage on one of the parcels. The Map 13 parcel is on the Rte. 28 Derry/Londonderry town line. A small piece of the parcel is located in Londonderry and this will make it consistent with the zoning which in the whole area is zoned commercial. This sliver of land should be made consistent with the land surrounding it. Hearing no additional input, the **Council’s vote was 4-0-0.**

**Councilor Dolan made a motion to close the Public Hearing, second Councilor Freda. Vote was 4-0-0.**

### **OLD BUSINESS**

**Appointments to the Public Safety Dispatch Services Study Committee –** Councilor Dolan informed the Council that Councilor Farrell would like to volunteer to be the Liaison for this

Committee. The consensus is to have John Farrell represent the Council. Consensus on the appointments of the public to the Committee was to wait until the next meeting when Councilor Farrell was in attendance.

**Appointments to the Dog Park Study Committee** – Dottie Grover, 537 Mammoth Road explained we have a total of 6 members who have volunteered to be on this Committee. She said she was approached by an employee of the School District who does not reside in Londonderry but who would like to volunteer. She asked the Council if he would be acceptable. Town Manager Caron pointed out that the Charge read 7 members of the public. Consensus was that the volunteer was acceptable. D. Grover announced that she will have a meeting on 9/20/11 at 7:00 PM at the Cable Access Center. The accepted volunteers for this Committee are:

Planning Board Liaison – Scott Benson

Budget Committee Liaison – John Curran

Members of the Public:

Dottie Grover

Cynthia LaBrecque

Deanna Mele

Cindy Eaton

Dan McLeod

Linda Bates

John Beaulieu

**Councilor Green made a motion to accept the above citizens including the district employee, second Councilor Freda. Council's vote was 4-0-0.**

**Resolution #2011-14 – Relative to the Transfer of an Easement to the Rockingham County Conservation District** – Councilor Dolan made a motion to accept, second Councilor Green. Conservation Commission Chair Deb Lievens, 105 Pillsbury Rd. explained that years ago things were done a different way than they are now with the Farm & Ranch Land Protection Program. We owned the easement on one phase of the three part phases. When the other 2 phases came up, we were required to work with the Rockingham County Conservation District (RCCD). Easements on the last two phases are owned by RCCD. The Conservation Commission wants to combine all three phases with the RCCD. If combined the RCCD will hold the easements, monitor the land, and report to us for all three parcels. Councilor Freda asked what executory issues the Conservation Commission is retaining. D. Lievens responded if it is not managed correctly the Cons Com can take them back but RCCD is doing an excellent job. Councilor Freda questioned the wording of the Resolution. Mike Speltz, Conservation Commission member said the Farm & Ranch Land Protection Program funded the easement which is why they had to go back to them to get permission to make this assignment. Open for discussion. **Council's vote was 4-0-0.**

**Order #2011-06 – Relative to the Distribution of Conservation Funds to Purchase a Conservation Easement, 587 Mammoth Road** – Town Manager Caron said Mr. Merrill requested that this item be moved to the 11/7/11 meeting.

**Resolution #2011-04 – Relative to the Discontinuance of a Portion of Scobie Pond Road – Corrective Language only.** Councilor Dolan made a motion to accept, and to waive the current reading, second Councilor Green who then asked for clarification. Town Manager Caron explained that the applicant requested that the entire length be discontinued, however, the Council approved a very short section; this Resolution shows the exact coordinates of the plan. Council's vote was 4-0-0.

### **NEW BUSINESS**

**Order #2011-16 – Relative to the Distribution of Capital Reserve Funds for Highway Trucks -** Councilor Green read the first reading and made a motion to adopt, second Councilor Freda. Council's vote was 4-0-0

**Resolution #2011-15 – Relative to Londonderry Leach Library Technology Plans -** Councilor Freda made a motion to adopt, second Councilor Dolan. Consensus was this is a long overdue good idea. Council's vote was 4-0-0.

### **APPROVAL OF MINUTES**

**Minutes of Council's Public Meeting of 8/15/11 – Councilor Green made a motion to approve, second by Councilor Freda.** Council's vote was 4-0-0.

### **OTHER BUSINESS**

**Liaison Reports** – Councilor Freda attended the Planning Board meeting last week and there is speculation they would be receiving a formal application from Woodmont in October. There was an action item from May regarding getting some Planning Board input to the PUD process. There has been nothing for the Planning Board to look at yet because it was all conceptual discussion. Town Manager Caron said that the Chair of the Planning Board, Art Rugg, will be here in October to discuss an estimated timeline for any recommended changes to the procedure.

**Town Manager Report** – Town Manager David Caron informed Council that Assistant Town Manager/Finance Director Sue Hickey will be staffing the meeting next Monday due to the fact that he will be attending his annual Conference next Monday and Tuesday. The Hemlock Workshop has been scheduled for 9/26/11 and they will also have a non-public meeting to discuss a number of issues.

### **Board/Committee Appointments/Reappointments –**

Appointment of William Bringham to the Library Board of Trustees, term to expire March, 2012. Councilor Freda made a motion to appoint, second Councilor Green. Council's vote was 4-0-0.

Acceptance of Resignation – Town Treasurer Robert Lincoln - **Councilor Dolan made a motion to accept, second Councilor Green.** Chairman O’Keefe thanked him for his many years of volunteerism. **Council’s vote was 4-0-0.**

**ADJOURNMENT**

**Councilor Freda made a motion to adjourn at 8:42 PM second, Councilor Green. Council’s vote was 4-0-0.**

**Notes and Tapes by: Margo Lapietro Date: 09/12/11**

**Minutes Typed by: Margo Lapietro Date: 09/14 /11**

**Approved by: Town Council Date: 09/19/11**