

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **February 22, 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; Councilors Tom Freda and Tom Dolan; Town Manager Kevin Smith; Executive Assistant
8 Kirby Wade; Absent; Vice Chairman Jim Butler; Councilor Joe Green

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 he would like to share something with the Town Manager, that in doing some recent check on
19 the Zika virus and pulling the latest CDC recommendations and something that was learned is that there have already been 82
20 cases here in the United States. Chairman Farrell stated that the CD said there is a lot people don't know, about how it can
21 spread during pregnancy and how it can spread from person to person. Chairman Farrell passed it along to the Town Manager
22 to post. Chairman Farrell suggested checking with the State to see if they are going down any kind of a path with regards to
23 getting out in front of this issue.

24
25 Councilor Dolan spoke on behalf of RSA 39:3, which was addressed at the last meeting. The term was used a lot during the
26 meeting and most people are probably not familiar with it. Below is the State RSA. Councilor Dolan stated that in the RSA it
27 states that the Council shall put that on the ballot. It was argued last meeting that the state law doesn't give you an option and
28 you shall put it on the ballot. The Council discussed that if the article is illegal to begin with, they don't have to do it.
29 Councilor Dolan stated that through legally advice that the courts have taken that issue up and the Supreme Court has said
30 that if the end result would be illegal, you are unable to enforce it, than you don't have to put it on the ballot. That language
31 has also been incorporated into the Town Charter. When a citizen petition is received it is the Town Council's first duty to
32 determine, with the help of the Town Attorney, to determine whether it is legal If so, it is put on the ballot, if not, it is not put
33 on the ballot. Councilor Dolan wanted to make sure that citizens know that the Council didn't put it on the ballot for the right
34 reasons.

35
36 **39:3 Articles.** – *Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town,*
37 *whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one*
38 *of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their*
39 *warrant for such meeting the petitioned article with only such minor textual changes as may be required. For the purposes of*
40 *this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general*
41 *election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the*
42 *provisions of RSA 32. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of*
43 *the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5*
44 *percent of the registered voters in the town, so presented not less than 60 days before the next annual meeting, the selectmen*
45 *shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special*
46 *town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to*
47 *vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a*
48 *recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town*

LONDONDERRY TOWN COUNCIL MEETING MINUTES

49 *meeting be held on the biennial Election Day.*

50
51 Chairman Farrell invited up the Londonderry Police Department to present their annual report to the Town Manager. Chief
52 Bill Hart and Captain Chris Gandia presented report [**see attached**].

53
54 Chairman Farrell invited up the new owner of Harold's Square in Londonderry, Maureen Cook. Cook introduced herself and
55 stated that they just recently re-opened and her and her husband grew up in Londonderry. Cook brought some pizza to share
56 as a sample to the community.

57
58 Chairman Farrell called a pizza break.

59
60 **PUBLIC HEARING**

61
62 **NONE**

63
64 **OLD BUSINESS**

65
66 **NONE**

67
68 **NEW BUSINESS**

69
70 Chairman Farrell introduced Order #2016-07, the expenditure of Maintenance trust Funds for various projects. This Order is
71 to replace a sign and flag pole lights at South Fire Station, Greenheck exhaust fans at South Fire Station, HVAC Controls
72 replacement at the Police Station and exterior light repairs, rear enter tile and retro commissioning HVAC at North Fire
73 Station. Motion to approve Order #2016-07 in the amount of \$19,027.96 made by Councilor Freda and second by Councilor
74 Dolan. Chair votes 3-0-0.

75
76 Chairman Farrell invited up Fire Chief Darren O'Brien to discuss the BID acceptance for a type 1, 2016 Ford F 550
77 Ambulance. Chief O'Brien stated that the ALS service provides 3 individuals, all trained in emergency medicine and
78 transports to the hospital. There was a consensus from the Council to move forward with accepting the bid.

79
80 Chairman Farrell introduced the first reading of Ordinance #2016-01, an amendment to the Zoning Ordinance relating to
81 rezoning a portion of map 17, lot 45, 280 Rockingham Road. Motion to waive the first reading and schedule a public hearing
82 at the March 7th Town Council meeting made by Councilor Dolan and second by Councilor Freda. Chair votes 3-0-0.

83
84 Town Manager Smith gave the Council a quarterly financial update [**see attached**]. Smith stated that it is not uncommon to
85 be a little over as many of the Town's payments are front loaded as we get toward the end of the fiscal year. There are no
86 surprises on the expenditure side. The Londonderry Fire Department and Police Department are under budget at this time as
87 well.

88
89 **BOARD/COMMITTEE APPOINTMENTS & RESIGNATIONS**

90
91 Chairman Farrell stated that the Council received a letting from ZBA member Suzanne Brunell who is looking to step down
92 as a voting member and be re-appointed as an alternate member. Motion to approve member change made by Councilor
93 Dolan and second by Councilor Freda. Chair votes 3-0-0.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

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APPROVAL OF MINUTES

Motion to approve the minutes from February 1, 2016 made by Councilor Freda and second by Councilor Dolan. Chair votes 3-0-0.

LIAISON REPORTS

Councilor Dolan stated that in the news recently there has been a lot of news about public water situations. Councilor Dolan stated that he is the liaison to the Merrimack Valley Water District. Dolan shared some of the documentations from their most recent meeting. The city of Nashua purchased Pennichuck Water, who supplies water to come of Londonderry.

ADJOURNMENT

Chairman Farrell stated that he will need a rollcall to go into a Council non-public under RSA 91A:3-2A. Councilor Dolan, Chairman Farrell and Councilor Freda motioned.

Motion to adjourn **Chair votes 3-0-0.**

Notes and Tapes by:	Kirby Wade	Date: 02/22/2016
Minutes Typed by:	Kirby Wade	Date: 02/24/2016
Approved by:	Town Council	Date: 03/07/2016



Londonderry Police Department

Office of the Chief of Police

Annual Report to Town Manager

2015

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Executive Summary

During the course of 2015, the Londonderry Police Department provided service to the community with 23,833 incidents dispatched to include: 1,004 accidents, 910 arrests, 9,199 motor vehicle activities, and 3,669 police reports taken. These statistics indicates that we have a very high level of community interaction. This can range from a simple call for assistance to a deadly encounter where split-second decisions are made in a volatile environment. The below key reporting activities indicate that we have extremely low levels of incidents that give rise to the need to use force to gain compliance or result in citizen complaints about officer behavior. This demonstrates the professionalism and dedication that each member of our agency displays daily while serving the citizens of our community. To put it into perspective, only 1.9% of arrests involve use of force while out of the total incidents dispatched of 23,833 a mere .04% generates a complaint, internal affair, or administrative review.

Our department takes a multi-tenet approach to professionalism. The first tenet starts out with a lengthy hiring process, vetting out candidates to reach a qualified employee who embraces the Londonderry philosophy of policing. The second tenet is to invest in our employees by providing quality training and opportunities for both personal and professional development. The third tenet is providing proper supervision at all levels of our organization to ensure that quality services are being delivered to our community. Our last tenet concentrates on the development of successive leadership to promote constant evolution and continued growth of our agency.

The key reporting activities for 2015 are as follows:

Reportable Incidents

- Employee Grievances 0
- Internal Affairs 2
- Administrative Reviews 5
- Employee Complaints 3
- Use of Force Incidents 17
- Biased/Gender Based Policing 0

Professional Standards

- Financial & Procedural Audit Performed
- Total Agency Training Hours 3,910.85
- Average training hours per officer: 60.17 hours

LONDONDERRY POLICE

OFFICE OF THE CHIEF OF POLICE ANNUAL REPORT EMPLOYEE GREIVANCE SUMMARY

JANUARY 2015 – DECEMBER 2015

THE FOLLOWING IS A SUMMARY OF THE EMPLOYEE GRIEVANCES RECEIVED AND
SUMMARY FINDINGS OF THE GREIVANCE PROCESS COMPLETED BY THE
LONDONDERRY POLICE DEPARTMENT IN ACCORDANCE WITH
LABOR AGREEMENTS

The police department responded to no grievance(s) filed by employees or representatives:

Grievance Category	#	Disposition		
		Resolved	Denied/withdrawn	Sustained
Pay Related		0	0	0
Unjust Discipline		0	0	0
Totals		0	0	0

Please note two (2) grievances were filed past three (4) calendar years (2012-2014); both were withdrawn by the bargaining unit. The first was done so after a settlement was reached; the second was withdrawn unilaterally.

LONDONDERRY POLICE DEPARTMENT

INTERNAL AFFAIRS SECTION

COMPLAINT LOG

January 2015 – December 2015

Date of Complaint	Member/Employee	I.A. Case #	Finding	Name of Investigator
01-09-15	One	15-02-ADR	SUSTAINED	KMC
01-16-15	One	ECF 15-01	NOT SUSTAINED	KMC
02-12-15	Two	ECF 15-02	Complainant did not cooperate	KAB
03-04-15	One	15-03-ADR	SUSTAINED	RJK
03-21-15	Four	15-01-IA	Three: EXONERATED; One: UNFOUNDED	KAB
05-19-15	One	15-02-IA	SUSTAINED	KAB
05-25/26-15	One	15-04-ADR	SUSTAINED	KMC
07-21-15	One	ECF 15-03	EXONORATED	KMC
08-02-15	One	15-05-ADR	EMPLOYEE RESIGNED PRIOR TO COMPETITION OF INVESTIGATION	RJK/KMC
10-01-15	One	15-06-ADR	SUSTAINED	TCJ

KEY:

P-117.04.07 (g) (1)

UNFOUNDED - The incident complained of did not occur. [52.1.9]

P-117.04.07 (g) (2)

EXONERATED - The incident complained of occurred, but the employee/member's actions were lawful and proper. [52.1.9]

P-117.04.07 (g) (3)

NOT SUSTAINED - There is insufficient evidence to prove or disprove the allegations of the complaint.

[52.1.9]

P-117.04.07 (g) (4)

SUSTAINED - The allegation is supported by a preponderance of the evidence. [52.1.9]

Londonderry Police Department
Use of Force Reports for 2015

Date / Time	Officer(s) Involved	Forced Used by Officer	Weapon drawn	Reason
3-21-15 1512	4 Officers	Empty Hand/ Controlled and cuffed	No	15-420-OF Resisting arrest Disorderly
4-27-15 2029	1 Officer	Empty hand	No	15-686-OF Suicidal subject
5-10-15 0140	1 Officer	Empty hand	No	15-331-AR DUI
5-7-15	3 Officers	Empty hand	No	15-753-Of DUI
5-16-15 1512	2 Officers	OC and Empty hand	NO	15-357-AR DUI, Conduct after, Disobeying,
05-16-15	1 Officer	Empty Hand	No	Suicidal subject 15-358-AR
05-25-15 1719	3 Officers	Felony stop	Yes	Felony Stop 15-846-OF
05-31-15 0106	1 Officer	Empty Hand	No	Suicidal Subject 15-398-AR
06-06-15 0218	1 Officer	Weapon drawn	Yes	Protective Custody 15-411-AR
07-06-15 2018	1 Officer	OC and Empty hand	No	Fight in progress 15-500-AR
08-02-15 2330	2 Officers	OC and closed hand strikes	Yes	Suspicious subject- 15- 581-AR
08-19-15 2310	1 Officer	Empty hand/ take down	No	DUI 15-634- AR
08-29-15 2240	2 Officers	Empty hand/ take down Pressure point	No	Drug arrest 15-646-AR
09-21-15 1627	2 Officers	Empty hand/ take down	No	Domestic Assault 15-712-AR

10-08-15 1430	5 Officers	OC/ Less lethal bean bag	Yes	Suicidal Barricade suspect. (15-751-AR)
10-13-15 2350	2 Officers	Empty hand/ Knee strikes	No	15-763-AR
12-27-15 2100	4 Officers	Empty Hand strikes/ OC	No	Protective Custody 15-914-AR

- The Londonderry Police Department was involved in 17 calls for service requiring an officer to use force or display a firearm to gain compliance.
- **70 % of the suspects were under the influence of alcohol or drugs at the time of the call.**
- 6 suspects sustained injuries as a result of force used by Londonderry Police Officers. All of the injuries were minor in scope, (1) contusion on the thigh, (4) with minor scrapes bruises and (1) laceration.
- 4 Londonderry Police Officers were injured as a result of force being used. (15-581-AR and 15-914-AR).
- In all 17 calls for service the officers' actions were in accordance with NH RSA 627:5 and the Londonderry Police Department's Use of Force policy O. 101.
- **Quick Comparison to 2014** – 13 calls for service required an officer to use some sort of force.

Respectfully,

Lt. Ryan Kearney A-25

Section 5: Conclusion

The Londonderry Police Department's Sexual or Other Harassment Policy is current with respect to review and language. The department is regularly trained on its content, both internally (policy review) and externally (Primex, etc). No changes to the policy itself are recommended.

The gender-based policing survey revealed that no supervisors or officers surveyed witnessed, or was aware of any gender bias or bias-based policing issues. The same results were found in 2014. The only exception was from one female officer. However, after speaking with her, it was clarified that she has not personally witnessed or has been subject to any gender bias. Her statements were based on questions that she had been asked by peers in casual conversation and from older experiences with a former supervisor that no longer works for the department. It is my opinion, based on the department's efforts to train and its high level of professionalism, that there were no gender based policing issues with the public or with LPD employees.

Respectfully Submitted,

Lt. Tim C. Jones

LONDONDERRY POLICE DEPARTMENT
INTEROFFICE MEMORANDUM

TO: CHRISTOPHER GANDIA, CAPTAIN SERVICES DIVISION, LPD
FROM: WILLIAM RYAN HART, JR. CHIEF, LPD
SUBJECT: LAURIE REVIEW
DATE: 2/18/2016

Sir,

I wanted to formally advise you as part of your annual report for the Department that we have formally conducted a Laurie Review as required by our internal LPD Memorandum order 15-08 and in compliance with the Attorney General's memorandum to all County Attorneys and law enforcement agencies dated February 20, 2004 (Heed or *Laurie* memo) for guidance regarding what constitutes *Laurie* material.

William Ryan Hart, Jr.
Chief of Police, Londonderry



Memo

To: Captain Chris Gandia
From: Sergeant Jason Breen
Date: January 7, 2016
Re: Annual Training Hours

Captain,

Below is the breakdown of training hours for 2015.

2015 Annual Training Report

<u>Training</u>	<u>Hours</u>
Use of Force	831
Tactical & Emergency Response	995
Continuing Education	2,084.85
Total Agency Training	3,910.85

Respectfully,

Jason Breen, Sergeant
Services Division

TOWN OF LONDONDERRY, NEW HAMPSHIRE

Expenditures by Department
General Fund

January 31, 2015 - Unaudited - 58.3% of Fiscal Year

Description	Original	Adjusted	Expenditures	Expenditures	Enc.	Available	Notes	%
	Budget	Budget	This Period	Year To Date		Budget		
Town Council	12,099	12,099	678	15,025		(2,926)		124.18%
Town Manager	632,140	630,140	24,722	343,058	3,251	283,831		54.96%
Moderator	300	300	-	-		300		0.00%
Budget Committee	1	1	-	-		1		0.00%
Town Clerk	422,799	422,799	25,561	201,930		220,869		47.76%
Supervisors of the Checklist	18,214	18,214	929	2,178		16,036		11.96%
Finance	647,690	647,690	76,663	320,772		326,918		49.53%
Personnel Health Insurance Holdings	(179,400)	(179,400)	(1,000)	(208,240)		28,840		116.08%
Assessing	394,176	394,176	31,075	191,652		202,524		48.62%
Information Technology	375,340	375,340	10,965	218,975		156,365		58.34%
Legal Expenses	174,500	174,500	11,656	77,178		97,322		44.23%
Zoning Board	49,485	49,485	3,354	26,964		22,521		54.49%
General Government	506,514	506,514	29,724	210,706		295,808		41.60%
Cemetery	32,974	32,974	530	20,732		12,242		62.87%
Insurance - Property & Liability	244,652	244,652	3,656	177,579		67,073	Seasonal Maintenance-Summer, Fall, Spring Annual premiums paid in full	72.58%
Conservation Commission	3,300	3,300	111	762		2,538		23.09%
Police	8,181,524	8,286,524	616,751	4,550,412	24,191	3,711,921		55.21%
Fire	6,747,624	7,010,768	52,664	3,897,524	7,021	3,106,223		55.69%
Building	329,219	331,219	26,383	194,695		136,524		58.78%
Highway Administration	1,978,632	1,978,632	163,725	959,250	652	1,018,730		48.51%
Highway Operations	1,240,882	1,240,882	70,853	389,577	85,492	765,813		38.28%
Solid Waste-Waste Collection & Recycling	1,942,691	1,942,691	148,040	1,010,551		932,140		52.02%
Social Services	53,864	53,864	5,640	43,524		10,340		80.80%
Welfare	121,268	121,268	4,676	32,286		88,982		26.62%
Cable	276,799	276,799	16,679	139,000		137,799		50.22%
Recreation	151,572	151,572	2,765	92,857		58,715		61.26%
Library	1,267,215	1,267,215	83,714	728,633		538,582	One-time equipment purchase	57.50%
Senior Affairs	52,787	52,787	3,425	27,882		24,905		52.82%
Community Development	384,333	374,333	21,873	189,812		184,521		50.71%
Debt Service	2,514,318	2,514,318	216,180	2,335,601		178,717		92.89%
Capital - Land & Land Improvements							#DIV/0!	
Capital - Vehicles, Machinery & Equipment	50,000	50,000		49,999		1		100.00%
Capital - Buildings								
Capital - Other	720,000	720,000		600,000		120,000	NOTE A	83.33%
Transfer to Capital Projects Fund								
Transfer to Capital Reserve Fund	295,000	323,000		323,000		-		100.00%
Taxes Paid to County		3,412,421		3,412,421		-		100.00%
Taxes Paid to School District		53,616,277	3,750,000	32,575,000		21,041,277		60.76%
Total Expenditures	29,642,512	87,057,354	5,401,992	53,151,295	120,607	33,785,452		61.19%
								FY 2015 - 62.2% Expended

Note A:

Expendable Maintenance Trust Fund 100,000 - 100,000 Transfers to trust fund in July
 Roadway Maintenance Trust Fund 500,000 - 500,000 Transfers to trust fund in July
 Zoning Ordinance Re-write 120,000 - 120,000 0.00%

TOWN OF LONDONDERRY, NEW HAMPSHIRE

Revenue by Source

General Fund-Fiscal Year 2016

January 31, 2016 - Unaudited - 58.3% of Fiscal Year

Description	Original Budget		Adjusted Budget	Revenue		Revenue Year To Date	Revenue		Notes
	Budget	Budget		This Period	Year To Date		Due	Recvd	
Property Taxes									
Land Use Chant Tax	-	-	-	-	-	-	-	0.00%	
Yield Taxes	3,500	19,500	-	22,771	(3,271)			116.77%	
Payment in Lieu of Taxes	646,555	646,555	-	-	646,555			0.00%	Payment received annually in May
Excavation Taxes	10,000	11,700	-	11,747	(47)			100.40%	
Interest & Costs on Late Property Taxes	300,000	300,000	7,468	96,112	203,888			32.04%	
Business Licenses & Fees	70,000	6,000	39	2,160	3,840			36.00%	
Motor Vehicle Permits	6,250,000	6,300,000	849,378	4,124,938	2,175,062			65.48%	
Building Permits	225,000	400,000	13,650	380,831	19,169			95.21%	
Dog Licenses	17,000	16,000	144	2,504	13,496			15.65%	Dogs licenses due annually in April
Marriage Licenses	3,500	4,500	644	3,965	535			88.11%	
Reclamation Fees	16,000	16,000	1,480	9,115	6,885			56.97%	
Other Licenses and Permits	1,500	1,500	-	133	1,367			8.87%	
Meals & Room Tax	1,074,295	1,168,802	-	1,168,802	-			100.00%	
Highway Block Grant	504,841	569,118	113,824	455,294	113,824			80.00%	
Water Pollution Grant	44,236	41,569	-	41,569	-			100.00%	
Other State Grants	75,000	8,500	-	47,547	(39,047)			559.38%	
Zoning Review	30,000	30,000	1,065	37,168	(7,168)			123.89%	
Police Department	38,000	32,000	2,203	11,975	20,025			37.42%	
Fire Department	526,500	616,500	3,494	546,288	70,212			88.61%	
Public Works Department	85,000	87,000	1,718	65,905	21,095			75.75%	
Cable Department	325,000	375,000	-	238,133	136,867			63.50%	
Recreation Department	5,000	5,000	-	6,986	(1,986)			139.72%	
Senior Affairs Department	1,500	1,500	136	1,060	440			70.67%	
Interest on Investments	10,000	20,000	1,220	7,317	12,683			36.59%	
Insurance Reimbursements	50,000	50,000	-	3,529	46,471			7.06%	STD adn LTD booked as expenditure reduction
Other Miscellaneous Revenue	300,000	301,500	55,231	166,258	135,242			55.14%	
Transfers from Special Revenue Fund	415,000	415,000	-	-	415,000			0.00%	Transfers from SRF in June annually
Transfers from Capital Reserve Fund	384,500	384,500	-	300,856	83,644			78.25%	
Total Revenue	#####	#####	1,051,694	7,752,963	4,074,781			65.55%	FY 2015 -62.92 %