

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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2 **July 11, 2016**

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

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

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10 **CALL TO ORDER**

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12 Vice Chairman Freda opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for the  
13 five Police Officers in Dallas, TX whose lives were lost last week and for all the men and women who serve us here and  
14 abroad and all first responders here in Londonderry.

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16 **PUBLIC COMMENT**

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18 Vice Chairman Freda opened up the floor to public comment.

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20 Chief Hart made a statement of behalf of the Londonderry Police Department. Chief Hart thanked the residents and all of the  
21 people who have reached out to the Department and said thank you and come in to show their appreciation for what members  
22 of the Police Department do day in and day out. Chief Hart stated that he has been touched with the outpour of support. Chief  
23 Hart stated that some people had questions he would like to answer for them. Someone had asked if the Department does  
24 anti-bias training. Chief Hart stated that yes the Londonderry Police Department does. Chief Hart stated that LPD is  
25 extremely training focused and one of the issues that is most important is bias. Chief Hart stated that LDP has done an annual  
26 self-audit. Chief Hart stated that this year the Police Department has well over one thousand arrests, yet only seventeen  
27 instances an Officer used force to either protect himself, protect the person they were arresting or protect a third party. Chief  
28 Hart stated that over the past few years, Londonderry Police Department has become one of the finest municipalities in the  
29 state. Londonderry Police Department is asked to help train other Police Departments throughout the state. Chief Hart stated  
30 that we have been here before. The notion of race and division, police and brutality. Chief Hart stated that for people his age,  
31 it is not a new topic. Chief Hart stated that he believes most, if not the vast majority of Police are open, always, to how they  
32 can do this difficult job. It requires every member of the department to wear a ballistic vest when they go to work so that  
33 someone will not kill them. Chief Hart stated that for the Department to succeed, they must continue to build the trust that we  
34 have here in Londonderry and to do it, members must be courageous, which requires openness to those who criticize loudest  
35 and those who distrust the most. At the same time, Chief Hart stated that he asks that those who believe that they have been  
36 targeted or hurt by Police to virtue of their race or age or heritage, Chief Hart stated that neither you paint the Police with the  
37 broad brush of hatred for those uniforms that each member wears or for the service the Police gives to the public. Chief Hart  
38 thanked the Council for letting him speak.

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40 Fire Chief Darren O'Brien stated that the Londonderry Fire Department is celebrating twenty years of offering ALS services  
41 to the Town of Londonderry. Back in April of 1996, former Chief Sypek decided that it was time to break away from the  
42 neighboring community to start providing our own ALS service. Back then the department was doing about two thousand  
43 calls a year and had five trained paramedics. Today the department has twenty-two paramedics, some of which have gone on  
44 to become Battalion Chiefs. Chief O'Brien stated that the Fire Department is very proud and dedicated to providing the best  
45 possible ALS service in the state. Chief O'Brien thanked everyone for their support.

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47 Councilor Dolan made a statement regarding the recent events that took place in Dallas, TX. [See attached]

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49 Vice Chairman Freda opened up the floor to the public. There was no comment from the public.

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## PUBLIC HEARING

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53 Motion to open Public Hearing made by Councilor Green and second by Councilor Butler. **Chair votes 4-0-0.**

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55 Vice Chairman Freda stated that he is going to take things a little out of order. Vice Chairman Freda introduced Ordinance  
56 #2016-05, an amendment to the Zoning Ordinance relating to transferring parking and loading standards to the site plan  
57 regulations and Ordinance #2016-01, an amendment to the Zoning Ordinance relating to rezoning a portion of Map 17, lot  
58 45, 280 Rockingham Road, which was continued from February 22, 2016. Vice Chairman stated that both Ordinances are  
59 subject to motions of continuance. Motion to continue Ordinance #2016-05 made by Councilor Green and second by Council  
60 Butler. **Chair votes 4-0-0.** Motion to continue Ordinance #2016-01 made by Councilor Green and second by Councilor  
61 Dolan. **Chair votes 4-0-0.** Both Ordinances will hold Public Hearings at the August 15, 2016 Town Council meeting.

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63 Vice Chairman Freda suspended the Public Hearing to move down to New Business.

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## NEW BUSINESS

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67 Vice Chairman Freda introduced Order #2016-23, the expenditure of Maintenance Trust Fund for various projects. Steve  
68 Cotton presented. This order is for the carpet replacement in the Police Department. The total price was \$15,263.36. Cotton  
69 stated that the price is reduced because the Police Department personnel will be assisting and moving the furniture and  
70 everything, which is saving the Town money. Cotton stated that tonight he is only asked for \$7,500.00. Motion to approve  
71 Order #2016-23 made by Councilor Dolan and second by Councilor Green. **Chair votes 4-0-0.**

72

73 Vice Chairman Freda introduced Order #2016-24, an Order relative to the withdrawal of Cable Equipment Capital Reserve  
74 Funds. Finance Director Doug Smith presented. Councilor Dolan motioned to accept Order #2016-24, second by Councilor  
75 Dolan. **Chair votes 4-0-0.**

76

77 Vice Chairman Freda introduced Order #2016-25, the expenditure of Reclamation trust Fund for new recycling carts. Public  
78 Works Director Janusz Czyzowski presented. Czyzowski explained the process of paying the two invoices and why the last  
79 invoice was included in the agenda last minute. All the carts have been distributed. Czyzowski stated that they will still be  
80 ordering around two hundred smaller carts because people are requesting smaller carts. Councilor Green motioned to approve  
81 Order #2016-25, second by Councilor Dolan. **Chair votes 4-0-0.**

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83 Vice Chairman Freda introduced Order #2016-26, the distribution of Fire Capital Reserve Funds presented by Fire Chief  
84 Darren O'Brien. O'Brien stated that going back through the FY17 budget operation, with discussion of the Town Manager, the  
85 Fire Department is looking to put some additional funds into their Capital Reserve account to purchase new thermal imaging  
86 cameras. The cameras the department has now are ten to twelve years old. This Order is to purchase ten new cameras along  
87 with a CPR device. Three CPR devices were purchased back in 2015. This is the fourth. Motion to approve Order #2016-26  
88 Councilor Dolan and second by Councilor Green. **Chair votes 4-0-0.**

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90 Vice Chairman Freda introduced Order #2016-27, withdrawal from the Fire Truck Capital Reserve Fund. Finance Director  
91 Doug Smith stated that this Order is another in the series of leases under the agreement we have with First Niagara Leasing.  
92 We have a total value of 3.4 million available under this lease. Smith stated that we are currently approaching 2.5 million  
93 under that series. Smith stated that this is for a Pierce Aerial truck. It was part of a proposal Chief O'Brien had talked about a  
94 few months ago in an effort to maximize the ability to purchase new equipment we came up with some interesting ideas  
95 around how to take advantage of some existing equipment, improve that and then save money under the lease package for new  
96 equipment. Smith stated that this truck is a part of that process. Chief O'Brien stated that back in February or March he had  
97 come to the Council and proposed that the current Aerial truck was due to be replaced in FY2017. Motion to approve Order

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98 #2016-27 made by Councilor Green and second by Councilor Dolan. **Chair votes 4-0-0.**

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100 Vice Chairman Freda introduced Resolution #2016-16, it should be amended to read #2016-17. Motion to amend the  
101 Resolution title to read 17 instead of 16 made by Councilor Green and second by Councilor Dolan. Chair votes 4-0-0. Building  
102 inspector Richard Canuel presented. Canuel stated that this is relative to the adoption of a revised building permit fee schedule.  
103 Canuel stated to be more specific, it is a modification of the Town's mechanical permit fee. [See attached document]. Canuel  
104 stated that he pulled neighboring communities to see what they did. Motion to approve Resolution #2016-17 made by  
105 Councilor Green and second by Councilor Butler. **Chair votes 4-0-0.**

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## PUBLIC HEARING

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109 Suspended Public Hearing opened by Vice Chairman Freda. Freda introduced Ordinance #2016-03, and amendment to the  
110 Municipal Code, Title IV, Chapter XIV, Noise Regulations. Chief Hart presented Ordinance. This Ordinance was continued  
111 since May 16, 2016. Town Manager Smith stated that one of the revisions that was made since the last hearing on this is in  
112 section three under "Excepted Noise" he received a lot of calls from the agriculture and farming business owners in town who  
113 were concerned that a lot of the farming activity that they do late in the evening or early in the morning, mostly water and  
114 spraying, that it would fall under this Ordinance. Smith stated that we don't want to do anything to harm our farming and  
115 agricultural businesses in town. Smith stated that it was added under section "D" that "this prohibition exempts farming and/or  
116 agricultural activity and farming and/or agricultural machinery". Chief Hart stated that that was the nature of the phone calls  
117 he got as well. Chief Hart went over the changes that were made to the Ordinance. Chief Hart stated that the issue of  
118 reinforcement was brought up. It was included in the Ordinance. Chief Hart stated that following 10 pm the Noise Ordinance  
119 would go into effect and prior to 7 am. Chief Hart stated that in section V, some language was put in that included certain  
120 construction equipment. Chief Hart stated that something else they want to be very clear of that Richard Canuel brought up the  
121 issue of enforcement so an appropriate statutory reference was put in to allow for the enforcement of this Ordinance. Any  
122 noise can be asked for a special permit to exempt it. Dolan stated that they often restock and the truck arrive to these locations  
123 a backup beeping and that is not something they can turn off, it is required by law. Councilor Dolan stated that he motions to  
124 amend Ordinance #2016-03, edit section three, subparagraph "A" and add a period after the word snow removal operations  
125 and strike the remaining sentence. Motion second by Councilor Green. Chair votes 4-0-0.

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127 Ray Breslin, 3 Gary Drive, stated that he was wondering about a homeowner who has to leave super early in the morning an  
128 they have to use a snow blower to clear their driveway. The Council stated that that is exempted.

129

130 Chief Hart stated that an error was brought to his attention. Third line down, "Town Administrator" should read "Town  
131 Manager".

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133 Councilor Dolan motioned to amend section 5, subsection "A" to move and replace "Town Administrator" with "Town  
134 Manager". Second by Councilor Green. Chair votes 4-0-0.

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136 Motion to adopt Ordinance #2016-03 as amended made by Councilor Dolan and second by Councilor Butler. Chair votes 4-0-  
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139 Vice Chairman Freda introduced Ordinance #2016-06, an amendment to the Municipal Code Title IV, public health, safety  
140 and welfare, chapter IV, junkyard dealers. This was presented by Building Inspector Richard Canuel. Canuel stated that  
141 something was brought to the attention of the Council and himself during the recent junkyard renewals. It was regarding the  
142 applicants SS# being included in the application. Canuel stated that this information isn't relative to the license. There is no  
143 purpose to require this information from the applicant. Canuel stated that he proposes the license be amended to exclude this  
144 information. There were no questions from the public or the Council. Motion to adopt Ordinance #2016-06 Councilor Dolan  
145 and second by Councilor Green. Chair votes 4-0-0.

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147 Motion to close the Public Hearing made by Councilor Green and second by Councilor Butler. Chair votes 4-0-0.

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## OLD BUSINESS

Vice Chairman Freda introduced an update on the Second-Hand Dealer's Pawnbroker's Ordinance. Chief Hart presented and stated that he was speaking with Attorney Panciocco outside. Attorney Panciocco came with some concerns about her client, S & S Metals. Chief Hart stated that he has looked at this. Chief Hart stated that they believe they came up with a solution to suspend enforcement of the relevant portion of the Ordinance as it pertains to S & S Metals. Chief Hart stated that he suggests it because they have not had the kinds of issues over the last three to four years that this Ordinance was crafted to deal with. To recap, there were some concerns back in 2008-2010 when houses were being robbed of copper when houses were empty due to foreclosure during the bank crisis. There have been no issues in the last two years. Chief Hart stated that he believes Attorney Panciocco and himself came up with a good solution to suspend enforcement, also should the Police Department feels it becomes a concern it will be brought back before the Council. Chief Hart stated that this is a good solution. Councilor Dolan stated that in order to implement a suspension to the enforcement, it will take some action on the Council's part. Councilor Dolan stated that it should be put in the hands of the Town Manager. The Council should be notified if this issue arises again and if there ends up being a change in the suspension. Chief Hart stated that next it will take a new Ordinance number, a vote by the Council to suspend as managed or implemented. Chief Hart stated that what the business owner wants to do is work cooperatively to keep our community safe. There will be open communication. Chief Hart stated that he would like to get the wording right. Vice Chairman Freda stated that they work together and bring it to the next meeting. Chief Hart stated that they will submit a memorandum.

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Vice Chairman Freda introduced the Conservation Commissions to discuss the Town Forest. This was requested by Councilor Butler. Councilor Butler asked Marge Badois, Chair of the Conservation Commission, why the Conservation commission withdrew their contract for spraying of bittersweet in the Town Forest. It was stated that there was a contract between the Conservation Commission and a certain individual. The Town Forest came out of the Conservation Commissions hands and into the Town Managers hands. Councilor Butler asked Badois to clarify that. Badois stated that there was really no contract. There were services performed in 2015 but there was no contract. Just services performed. Badois stated that she has copies of everything. Badois stated that part of the package is a proposal suggesting what they should do in 2016 but they never had a contract. Badois stated that in the warrant article that was passed states that all supervision management duties and responsibilities will be removed from the Conservation Commission and that we were to only be there for advice and consultation.

## APPROVAL OF MINUTES

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Approval of the Town Council minutes from June 20, 2016 made by Councilor Green and second by Councilor Butler. Chair votes 4-0-0.

## COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

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The Council interviewed candidates for the Budget Committee. They interviewed Tom Dalton and James Kessler. Vice Chair Freda stated that the Council will wait until the next meeting to make a decision so that a full board can advise.

## ADJOURNMENT

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Motion to adjourn made by Councilor Dolan and second by Councilor Green. Chair votes 4-0-0.

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Notes and Tapes by:	Kirby Wade	Date: 07/11/2016
Minutes Typed by:	Kirby Wade	Date: 07/13/2016
Approved by:	Town Council	Date: 08/15/2016