

TOWN COUNCIL MEETING
October 15, 2012

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

PRESENT: Chairman, John Farrell; Vice Chairman Tom Dolan; Councilors: Jim Butler; Joe Green; Acting Town Manager, LPD Chief William R. Hart (7:04); Executive Assistant Margo Lapietro. Councilor Tom Freda was absent.

Call to Order

Chairman Farrell 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 both here and abroad and for first responders as well as for Lizzi Marriott the UNH Student who is missing and presumed dead.

Chairman Farrell also mentioned there is an Eagle Scout ceremony on 10/21/12 for Dakota Hayes, and Councilor Butler volunteered to attend and present a plaque to him from the Councilors.

Public Comment

Chairman Farrell introduced Brian Tilton from radio station 107.7 "The Pulse" from Concord, NH who was in attendance to record for his news station.

Dog Park Update Report - Chair of the Dog Park Committee, Dottie Grover was in attendance. She explained they had identified the preferred site for their park, and were beginning to figure out the cost factor. They then found out that Sanborn Rd., their chosen site, was committed to the Elder affairs project so they are looking again. She explained that there are three properties currently still available and they are owned by the town. D. Grover said the committee is also looking for donations of property for the park. Councilor Dolan said the town has land at the Auburn Rd. It was a superfund site, and can be used for passive recreation. It is a large piece of property, and he suggested she check with the Acting Town Manager for guidelines and uses of the property from the EPA. Councilor Green asked what size property was she looking for; D. Grover responded an acre would be a good fit. Councilor Butler asked how many towns did they visit; and D. Grover responded they went to Amherst, Derry, Concord, Dover, and Portsmouth. They also looked online at places in the process of getting dog parks. D. Grover said she will come back when something comes up.

Maria Newman, 26 Otterson Road asked the Council if the Council intends to appoint an interim director for Planning & Economic Development now that Andre Garron has left. She also asked where are we at with what we are doing with that position. Chairman Farrell responded no discussion has taken place with regards to the Council appointing an interim director. The

Council will meet in non-public to discuss the position and where they want to go with it. Acting Town Manager, LPD Chief William Hart thanked Andre Garron for his 13 years of outstanding service to the community. He explained that Andre has moved on to the University of NH Cooperative Extension Program. We are looking at a variety of options and he will talk them over with the Council. We recognize the importance of Economic Development as it pertains to keeping the tax base growing and keeping taxes stable for the townspeople. M. Newman said there is too much going on and she would not like to see the spot vacant for too long. She said she does not want to see it become too taxing on the current staff.

Ann Chiampa, 28 Wedgewood Dr. asked about the procedure for publishing the agenda. Chairman Farrell said the agenda will be posted on Fridays. He said nothing has changed; it was immediately addressed and won't happen again.

Al Cardello, 15 Mercury Dr. operates Complete Auto Driving School at the Lions Hall on Mammoth Road. He has had a "sandwich board" sign outside the hall since 2005 when he is conducting business inside the hall. The Code Enforcement Officer had him remove the sign a few weeks ago informing Mr. Cardello that it violated Town Zoning Ordinance Section 3.11.7.1.3. Acting Town Manager, LPD Chief William Hart said Mr. Cardello was told he is in violation of the sign ordinance and other businesses in town with the same type of sign might want to do the same. The process for his sign to be restored is: the Council can either approve it and allow him to continue erecting the sign; they could limit it to him; or they can disapprove and approve the Code Enforcement Officers actions. Chairman Farrell clarified that Mr. Cardello has been doing this for a number of years on town property; and the Lions club leases the hall from the town. Councilor Dolan asked if the Building Department had a historical record of the Council approving this in the past. Acting Town Manager Chief Hart responded there is no record of approval. Councilor Dolan questioned Mr. Cardello if he had ever received approval to erect the sign. Mr. Cardello responded he had no idea he needed permission other than that from the Lions. He said the sign has been there for about 6 years with no complaints. Councilor Green said there is an ordinance, there is a procedure in place and we shouldn't ignore the ordinance. There is a process in place with the ZBA if Mr. Cardello wants to put up the sign. Acting Town Manager, Chief Hart responded we are following the process when it is on town land. He explained that the initial approval/disapproval is given by staff, the next step since it is town property is to petition the Council. Chairman Farrell summarized that we can give him conjunctive relief so we can investigate further, we can support the Code Enforcement Officer, or we can let him have the sign. Chairman Farrell suggested giving him some relief right now and find out how to fix the problem. Councilor Dolan said he was okay with that as a temporary relief. He said the sign has been there for a while; it does not pre-date the zoning rules. It was a careless practice on the town for not enforcing this in a timely manner; we should research with staff and get an advisory opinion from other boards in town. He said the issue arises; is this fair with one and not fair with another. A Cardello pointed out that other organizations put signs up there as well. Chairman Farrell stated at the last meeting Council asked the Planning Board to review the sign ordinance.

Ruby Burton 11 Sandy Brook Lane asked to get rid of the "grandfather" clause and have it equal for everyone. Councilor Farrell explained that the ordinances come from the Planning Board. Sometimes this takes several months. Council has asked them to go through the process again.

R. Burton said it is in everyone's best interest for everyone to follow the same rule. Chairman Farrell said posting for all ordinances and Public Hearings are done 14 days in advance by the Planning Board. Once the Planning Board recommends the changes to an ordinance they come to the Town Council. The Council agenda is also posted. Councilor Dolan said we are restricted by law to enforcing new ordinances on older properties. You can't go back in history and make people change, they are only in effect on the date the ordinance is passed. Councilor Dolan explained we have to tread carefully with protected speech as opposed to a sign advertising a business. The courts always go on the side of free speech. Chairman Farrell explained we can't regulate the context of signs. The consensus was for Council to do their due diligence and the Acting Town Manager was directed to give Mr. Cardello some relief on his sign.

Tom Duffett 67 Boulder Drive said he lives at the Kendalwood Condo development. His complaint is that the Condo Board and Harvard Management have gotten out of control with their recent no parking sign situation. Cars are ticketed without notice given to the residents that the Condo Board/Harvard Management is going to re-enforce a new parking situation, no suggestions for alternatives were given to the residents. The no parking situation has existed for the past 5 years but has not been enforced. He said they have only 4 visitor's spots for 132 condo owners. The condo owners have been told to inform their visitors to go to a Park n Ride 2 miles down the street and the condo owner will have to pick them up there. The Condo Assoc. has not communicated with the residents; everything goes through the management company. He explained that the management company this past April picked up toys, bicycles and fireplace logs from yards without notifying the condo owners and charged them fees to get the items back. Chairman Farrell explained he will address a few things but under a conflict of interest he will recuse himself from the discussion. Town Council cannot address anything that is under the purview of the management company. The development was built in the early 70's prior to current site plans that are allowed today. The parking had taken place for many years and was never enforced. Chairman Farrell recused himself from the meeting at 7:40PM. Councilor Butler asked the Chief of Police if there were signs there before. Chief Hart responded there were no signs there before. The management company brought it to the Traffic Safety Committee's attention that there were issues there. The Traffic Safety Committee suggested to the Public Works Director that he put up signs and asked the LPD to enforce the no parking. LPD Chief Hart explained the parking regulations were on the books for quite some time, however, since the signs were put in they have been heavily enforced since April to a reasonable perspective. Councilor Butler asked if they are town roads, LPD Chief Hart responded most are. Councilor Dolan suggested they elect new board members to the Condo Board who are more sympathetic to their problems. T. Duffett said they want the Condo Board/management company to come to the Council. Councilor Dolan said the only leverage we have is being good members, we have no authority. T. Duffett explained one of the condo members saw a car parked in the street and had the car towed from a public roadway. LPD Chief Hart said it is not legal to tow a car off a public street, if it was in a parking lot that would be in the purview of the condo association. Councilor Dolan asked if there was any space on the property to build additional parking, T Duffett responded yes; that was one of their suggestions. T. Duffett explained that until they have their annual meeting they would like to have a moratorium on towing and ticketing. Councilor Dolan said it is illegal for a private citizen or Condo Board member to have a car towed on a public road. He also stated that the town cannot choose when to enforce and when not to enforce and he suggested the condo owners elect some representatives that are amendable to his view. Councilor Green said the Association went through the proper channels to put up the signs; can't they go through the same process to

reverse the ruling. LPD Chief Hart said he was unaware of the back story; there was extensive parking in the area. The whole issue was presented as a parking issue and a public safety issue. The committee gave advice to the Director of Public Works because the concern was a safety issue. T. Duffett said the Traffic Safety agenda did not mention that the Kendalwood parking ban was going to be discussed, therefore none of the condo owners were aware of the meeting and were not represented; only the Condo board was in attendance. Councilor Dolan said the new representatives can come and present their case to the Traffic Safety Committee and also pursue having additional parking on the empty parcel of land. It could be reversed but if safety issues were involved it might not be changed. Councilor Green said he was concerned that only a small piece of the community was represented. Gary Harfield, 40 Boulder Dr. explained the entrance from Sandstone Circle to Boulder has never been a parking issue, now there are no parking signs there they should at least get it back. Councilor Green said they need to hear from more residents. T. Duffett said after their new elections he would have a meeting with the Traffic Safety Committee and schedule a meeting to get on the Planning Board agenda. Councilor Dolan explained that he should talk to the Town Planner, Cynthia May, first to get staff input. Chairman Farrell resumed his Council seat at 7:53PM.

Public Hearing

None

Old Business

Londonderry Police Department Firing Range Demonstration Update/Discussion –

Chairman Farrell explained that a noise demonstration from the LPD shooting range was conducted at a special public Council meeting on 10/11/12 at the Londonderry Country Club. It was attended by himself, and by Councilors Butler and Freda. Lt. Kearney was in attendance and supplied a report to the Councilors (copy attached). Chairman Farrell announced that normally he does not take input from the public but will take public comment tonight. Lt. Kearney proceeded to explain his report. From 10/15/09 to 10/15/10 the LPD had 8 complaints. From 10/15/10 to 10/15/11 they had 5 complaints. From 10/15/11 to 10/15/12 they had 16 complaints. Out of those 29 complaints, 2 generated actual police reports; the remainder were either unfounded; came from the LPD range; or there was no illegal activity at all. The LPD's position is they don't have a position on people conducting lawful activities. By state statute shooting can be done in the Musquash area. He said they went to Kimball's golf club to get an idea on the activity there and have directed patrols in that area. At that point in the meeting Chairman Farrell clarified that we are not here to discuss hunting in the Musquash. Councilor Butler stated we need to identify other things going on out there. We have the Londonderry Fish & Game, the LPD firing range, the Hudson firing range and we have the Musquash area. Councilor Butler said his personal opinion is that the LPD firing range is making most of the noise most of the time; he said he has been out there a number of times. He suggested limiting the shooting times and we should allow its use for only the LPD. The noise from the Londonderry Fish & Game was very faint. He pointed out that the firing range came after homeowners moved there. Councilor Dolan said there are state laws prohibiting us from taking action for noise consequences on private firing ranges. He agreed that the LPD could limit their hours – and commented that we should regulate our own personnel. He is concerned

about the issue of safety and we should encourage target shooting and also encourage gun owners to go to firing ranges. Councilor Dolan said when people go to the Musquash which is not a firing range but is being used as such; bullets can strike somebody recreating in the area. People in the Musquash don't have a set aside area to have target shooting, it is a safety issue. He said it is an accident waiting to happen; we should have a range in the Musquash. Councilor Green agreed with Councilor Dolan's many opinions. He said the liability is great by having bullets and people hiking in the same area. Councilor Green said he also would like to see a range in the Musquash and would like to look into it further. Chairman Farrell said he visited the Londonderry Fish & Game; he is not an avid sportsman but did note that it was very clean. He also said the range was close to homes located in Litchfield. He explained that in order to gain entrance to the property you have to go through a locked gate. A few days later he went with Capt. Dussault to view the LPD firing range. They watched 4-5 rounds, and talked to the training officer. They looked at the berms and he questioned if they could be higher, would that help with the sound. He said he does not know the answer to that. He felt that the shots were not that loud. During the demonstration there was someone discharging a fireman in the power line area which is closer to the golf course. He said he needs to ask the town attorney if there was a rule that there was no shooting within 300 ft of a recreation trail or is it a trailhead. He said he needs to find out the legal opinion on that. He suggested that the LPD post at trailheads notices about proper firearm use, laws, and informing people of where legal ranges are located with training. He encouraged the police department to be pro-active; it is an awareness issue. Councilor Green said the ranges have control of trajectories, open space does not. Lt. Kearney stated the bullet will follow the path of least resistance. LPD Chief Hart said a properly constructed firing range is more safe than simply going out to shoot. In NH there are very few places that you can't shoot; it was always part of our NH cultural. He also said to have it truly safe we would need a range master in attendance to assure safety is in place. Chief Hart said the LPD as well as the Londonderry Fish & Game have an individual there to ensure safety issues. A firing range would be expensive but a safe environment. Open for discussion. Rick Olson, from Manchester said he is the President of the Londonderry Fish & Game Club. He said his range is well maintained and operated. He said they did noise decibel readings at the range and the highest was 47db. R. Olson said there is a lot of shooting in the power line area. He said they have found abandoned cars and appliances in the Musquash which are polluting the area. That is not allowed in the Fish & Game. He explained that public ranges have problems with supervising, enforcement and rules. Every member at the Fish & Game has to go through an initiation process, in 40 years they have never had a serious issue there. He said he supports the LPD range; but explained they do have an acoustical issue with all the pavement located there. Councilor Green asked why doesn't the LPD shoot at the Londonderry Fish & Game. LPD Chief Hart said not only is it a financial issue but the training sessions there were limited with membership using the range. With our own shooting range officers can be sent there while they are on duty to practice/qualify thereby eliminating over time which they had to do to work around the range use by members. It is not an all day event like it was when they used the Fish & Game range. LPD used to allow other agencies to use the range but that practice is not being done anymore. Chief Hart explained that they do not shoot on weekends. They are thinking about issuing a press release when they are out there so Mr. Kimball and the public will be aware in advance of their hours and days on the range. He explained the shooting range has allowed us to train our police officers in an effective, efficient manner to minimize our time there. Rick Olson reiterated that having their own range benefits the townspeople. Dana Coons, Aspen Circle supports the police range, the training they do requires that type of training. A town owned range is good idea but the cost to maintain it is prohibited. Tom Kimball, Kimball Rd, is

the owner of Londonderry Country Club. He said the issue is the amount of noise generated in the area. He said he brought the issue up 20 years ago and now it has been brought to a head. Nothing has been done to keep the noise down. He suggested using suppressers, and using bigger berms. Chief Hart said they are looking into ways to deal with the sound. Chairman Farrell asked if it was possible for the Council to have an awareness program on safety by putting postings on the trailheads for people to get the right training. Lt. Kearney said they encourage people to go to gun clubs because of their training and safety rules. The report recommends not adding another firing range because it will increase noise in the area. Tom Kimball suggested putting sound barriers around like the ones along I-93 as a possibility. Ruby Burton, 11 Sandy Brook Lane said the noise could come from a lot of other sources. If Musquash is part of the problem can we do something about it? Ed Marr, 68 Hardy Rd. was at the demonstration and said that the airplanes elicited more noise. He said to let Mr. Kimball provide his own noise barrier or build his own firing range. He suggested the use of shotguns only in Musquash for target shooting because they only go about 600 yards. Tom Duffey, 66 Boulder Drive said that target shooting should be done on a proper range. The concerns of noise at the Londonderry Country Club are not valid. Pam O'Brian, 70A. Alexander Rd said noise is constant from 1-6PM. It is something that has gotten louder over the years. She suggested that we put up signs listing what can and cannot go on in the Musquash at different times of the year. She also said the golf course has been there longer than the police firing range. Roger Fillio, 3 Hampshire Lane asked why are we leaving old cars in the Musquash. Chairman Farrell responded he didn't know, he didn't know they were there until he went there with Mr. Kimball. R. Fillio said he likes the idea of shotguns only in the Musquash. He hopes the Chief does not restrict any training for the LPD. Mark Roberts 72 Alexander Rd. said the sound levels have changed since 1978 when he moved to Londonderry. The LPD frequency and duration has quadrupled over the last few years. Target practicing in the Musquash is minimal to the noise from the LPD range. Power line shooting is not as bad as it is being stated, the statements given are not factual. We need to study this more, the concerns are real and they shouldn't be taken lightly. Councilor Dolan said he agreed with Mr. Fillio and questioned what that junk is doing out in Musquash. He suggested having an amnesty day 1 time a year to get rid of that type of trash.

Chairman Farrell surmised that they have heard there are some issues with noise. The LPD is going to see what they can do to be a good neighbor and work with them. We will try to do the best we can do per our legal advice. We would like to ask the police to raise awareness around fire arm use and safe use of fire arms in the Musquash and around the power lines. We are going to pursue those avenues, do our due diligence, find out the information, bring it back to the public and post it properly. Tonight was a discussion and he said he appreciated everyone coming out tonight. He asked the Council if he had a consensus, they responded yes.

NEW BUSINESS

Woodmont/Pillsbury Infrastructure Discussion – Chairman Farrell said he spoke with Attorney Ramsdell now that the plan has been accepted by the Planning Board as complete would it be proper for the Town Council to have a discussion about what infrastructure the Council would like to see as they go forward and maybe some suggestions from the public. He proceeded to provide examples like the possibility of the need for a public safety annex; parking

enforcement issues, parking garages. Would there be a possible need for a centralized communication center within that new project. He said he also discussed this subject with the Planning Board Chair. He asked the Councilors if they thought it was a good idea for the Council to entertain public comment on 11/5/12 to get an opinion from public. The understanding will be that the Town Council has no authority and no jurisdiction over the Planning Board. After the meeting we can send a memo to the Planning Board about the items that were brought up at meeting. He asked the Councilors if they would like to have a discussion on 11/5/12. Councilor Dolan said he would like to have the discussion with proper notice as a public hearing. Chairman Farrell said at some point the school would take a position on this as well. Councilor Green suggested inviting the Planning Board to the meeting and Chairman Farrell responded it is a public meeting they can come. He said they could generate a memo to send to them. The consensus was to listen to everyone on 11/5/12 to get all the information received to the Planning Board. Chairman Dolan clarified that we are offering advisory comments only to the Planning Board.

Anne Chiampa, 28 Wedgewood talked about the Mashpee Commons development. Councilor Dolan suggested she talk about this at the 11/5/12 meeting because more people will be in attendance.

Maria Neuman, 26 Otterson Rd. Alternate Member on the Planning Board said she is concerned about the format of the 11/5/12 meeting. She said the Planning Board hasn't had the opportunity to ask questions about the Woodmont Master Plan. The third party consultant said they were going over the plan and they had a lot of technical review questions that they were going to bring back to the Planning Board at the 11/14/12 meeting. That will be the Planning Boards first opportunity to ask all their questions which are many. Her concern is that Council is not giving the Planning Board the opportunity to ask the questions they have. We don't have a site plan yet. Chairman Farrell responded the items he is discussing are not part of the site plan review, they are not part of traffic or roads. We are the elected officials responsible for the infrastructure and the budget. We need to be in a position to figure out how we are going to pay for this. We are trying to figure out if there are things in the 65 day timeframe. He explained that Council will be formulating the FY14 budget process shortly. This is just to have an advisory meeting to find out if we need to buy more fire trucks, hire more police, etc. We should plan about these things before going into the budget season. He said the Town Attorney and the Chair of the Planning Board are in agreement with this. Chairman Farrell said again that we have no authority, we are simply looking for ideas that we need to consider as we go into the future for budget reasons.

Anne Chiampa, quoted Objective #3 from the FY12 Goals and Objectives. It stated that the Council will include the public in the Woodmont discussions. She said she appreciated the Councilors giving the residents a chance for their input. Councilor Dolan clarified that it was only advisory.

Order #2012 – 18– Expenditure of Maintenance Trust Funds for Various Projects - Councilor Dolan waived the reading and made a motion to accept, second Councilor Butler. Open for discussion. Council's vote 4-0-0.

Resolution #2012-11 – Re-Appointment of Interim Town Manager - Councilor Green read the first reading, second reading waived and **made a motion to appoint, second Councilor Dolan.** Acting Town Manager, Londonderry Police Chief William R. Hart was re-instated as the Acting Town Manager for another 120 days. Open for discussion. **Council’s vote 4-0-0.**

APPROVAL OF MINUTES

Council meeting minutes of 10/01/12 – Councilor Dolan made a motion to accept the minutes, second Councilor Green. **Council’s vote 4-0-0.**

OTHER BUSINESS

Liaison Reports – None

Town Manager Report - Acting Town Manager LPD Chief William Hart will be announcing the process and some succession strategy in the next few days for the vacant position of Director of Planning and Economic Development. He passed out a revamped policy against harassment and what the reporting procedures are (copy attached). Training will be given to all town employees over the next several days. The policy changes have been reviewed by counsel and it has been brought up to speed with current law and regulation. He asked the Council to review it. Councilor Green questioned if we already had a policy in place. Acting Town Manager, LPD Chief responded we do have a policy in place we are simply updating it. Councilor Green asked if all employees signed it. Acting Town Manager LPD Chief Hart responded the training will be done over the next few days. Then the employees will sign it after Council approves it.

Board/Committee Appointments/Reappointments

- A. Re-Appointments of Dan Lekos and Flo Silva to the Elder Affairs Committee as Full Members, 3 year terms with expirations of 12/31/15.
- B. Re-Appointment of Neil Dunn as a Full Member to the ZBA with a term expiration of 12/31/15.
- C. Re-Appointment of Pauline Caron as an Alternate Member to the Heritage Commission with a term expiration of 12/31/15.
- D. Re-Appointments of Sue Joudrey and Marty Srugis as Full Members to the Heritage Commission with term expirations of 12/31/15.
- E. Re-Appointment of Russ Lagueux as a Full Member to the Housing & Redevelopment Authority with a term expiration of 12/31/17.

- F. Re-Appointment of Scott Benson as an Alternate Member to the Planning Board with a term expiration of 12/31/15.
- G. Resignation of Matt Neuman from the ZBA, term expiration of 12/31/12.

Councilor Dolan made a motion to make the above re-appoints, second Councilor Green. Council's vote 4-0-0.

Councilor Dolan made a motion to accept the resignation of Matt Neuman from the ZBA, second Councilor Butler. Council's vote 4-0-0.

ADJOURNMENT

Chairman Farrell announced that the Council was going into a non-public meeting according to RSA 91-A;3,II,(a) at 9:37PM.

Aye Joe Green, Aye John Farrell, Aye Tom Dolan, Aye Jim Butler. Council's vote 4-0-0.

Notes and Tapes by: Margo Lapietro Date: 10/15/12

Minutes Typed by: Margo Lapietro Date: 10/18/12

Approved by: Town Council Date: 11/05/12

To: Capt. Dussault
From: Lt. Kearney
Date: September 25, 2012
Re: Musquash area

Sir,

Per your request I have reviewed the following issues pertaining to the Mushquash conservation area:

1. People are using the Musquash for target shooting and often times leave debris behind.
2. What is the degree of unsafe activity currently going on in the Musquash?
3. Is it realistic for the Town of Londonderry to open up and maintain a shooting range within the confines of the Musquash?
4. Are there legal avenues available to the Town of Londonderry that could mitigate the issue? (ie. Post property and allow hunting and disallow target shooting)

As we all know discharging a firearm is a very serious act. The consequences can be grave and irreversible in nature. What course of action should the Town of Londonderry take to mitigate issues for all interested parties to resolve this dilemma? In order to remedy the situation the town must first weigh the safety, liability and cost associated with each option.

Possible options for the Town:

- Build a range for target practice
- Prohibit shooting in the Mushquash
- Continue to monitor the situation and enforce the applicable laws.

Discussion

On July 28, 2012 I assigned Off. Wiggin, one of our OHRV officers, to patrol the Musquash for the day. The purpose of the assignment was to gain an accurate understanding of the following:

- How much foot traffic is on the trails?
- Speak to those utilizing the trail system and inquire if they have heard gun shots while hiking the trails.
- Listen for gun shots while out there and respond to them.

- Look for litter and debris possibly left by people using an area as an impromptu shooting range.
- Check to see if there is any area that could possibly be utilized as a range for the town.

In response to issues 1 and 2 from above:

Off. Wiggin reported that he had very limited contact with people while on the trails. The hikers he did speak with told him that they heard gun shots but, they believed they originated from the Londonderry Fish and Game Club. While patrolling the area Off. Wiggin neither heard any shots fired, nor did he find any signs of people using the area as a makeshift range. He also mentioned that the trails were in good shape and free of litter. Lastly he mentioned that due to the configuration of the trail system the Musquash would be an unsafe area to construct a range.

In addition to the OHRV patrol, a special attention directed patrol for the area of the Musquash was instituted. Officers conducting the special attention neither saw nor heard anyone firing guns while they were in the vicinity of the Musquash.

The Londonderry Police Department has received 11 shooting complaints that possibly could have been connected to the Musquash from April 2012 through September 26, 2012. The majority of the complaints originated from the area of Faucher Rd. and High Range Rd. A large percent of these calls were traced back to the Londonderry Fish and Game Club Londonderry or the Londonderry Police Range. It does not appear that these complaints stem from shooters in the Musquash. I'm sure people do target practice out there but, it does not appear to be a large safety issue at this time. Furthermore, upon Off. Wiggin's patrol of the Musquash he did not report litter and debris left by shooters.

Build a range for target practice

Based on my experience and training as a firearms instructor and member of the Southern New Hampshire Special Operations Unit I strongly believe that constructing a range on town property, operated by the town would be a catastrophic resolution to the proposed issue. A range requires an inordinate amount of rules, regulations, maintenance, and attention to detail. There are many logistics and dynamics incorporated into the construction, operation and safe use of a range. The following reasons outline why a range is a disastrous idea:

- **Safety** – The safety of town residents should be the greatest concern for the Town of Londonderry. There is no excuse or room for error in regard to the handling and discharging of firearms. Safety is absolutely, without question paramount to the situation.

- **Liability** – The town needs to consider the liability issues associated with the construction of a range, a shooter injuring him/herself or another on the range, a rogue round striking a hiker in the Mushquash or child playing in a yard. Additionally, who would be responsible for the enforcement for rules and regulations pertaining to the use of the range? How much money is the town willing to pay out once an accident occurs on the range? The Town of Londonderry will be fully responsible for any and all mishaps that occur on their range.
- **Cost** – The town must consider the cost associated with the construction of the range to include embankments, fences, signage and a locked gate. The town must also select and send a representative to a range master school to assure that best practices for range use and maintenance are implemented. The town must also consider the following questions: Who will control access to the range? Who will maintain all documentation of range use and ensure all policies and procedures are being adhered? Who will make sure the lead from the embankment is cycled out in a timely manner? Also, the Musquash is a conservation area which does not reconcile with the recycling of lead.
- **Other Considerations**
 1. **Sound** - Usually travels from the source (firing range) to the receiver (location of population) via multiple paths which can be direct and reflected. The sound of a firing range will possibly affect quality of life issues for those who live in proximity to the range. Furthermore, residents currently complain from time to time about the two ranges already in existence.
 2. **Projectile Ranges** – Maximum ranges will vary considerably depending on the angle of the muzzle elevation and other variables such as ballistic coefficient, bullet weight, bullet shape, wind speed and wind direction. The following are a few guidelines:
 - .40 caliber range is approx. 1 mile (5280 ft.)
 - Shotgun slug range is approx. 1/3 mile (1,750 ft.)
 - .223 Remington range is approx. 1.5 miles (7,920 ft.)
 - .308 Winchester range is approx. 2.5 miles (13,200 ft.)
 - The Town of Londonderry would be responsible for any rounds leaving their range.

Based on the fore mentioned issues, the Town of Londonderry should absolutely refrain from constructing a range.

Prohibit shooting in the Mushquash

The prohibition of the use of firearms on the property is not very realistic due to the fact that the Town of Londonderry would have to post the property to ensure that those entering it were made aware that shooting was prohibited. Posting signage prohibiting shooting and hunting in accordance with NH RSA 635:4 Prescribed Manner of Posting, would be nearly impossible due to the many boundary lines and numerous possible entrances to the area. In addition, it would be an unrealistic expectation for the Londonderry Police Department to enforce this type of ordinance due to the lack of resources available to do so effectively and efficiently.

As of now, the Town of Londonderry is hampered by State of NH law when it comes to any thought of *posting* (RSA 644:13, Unauthorized Use of Firearms) the Musquash area as regards hunting and /or shooting. Since the Musquash is not by definition a *compact* area, nor is it a designated playground, park, or gathering place, then it appears to me that the State's so-called "pre-emption" clause as represented by RSA 159:26 would take precedence.

Continue to monitor the situation and enforce the applicable laws

As it stands now the Londonderry Police Department has received a relatively low amount of shooting complaints stemming from the actual Musquash conservation area. As mentioned earlier, the Musquash is not considered a compact area and therefore people can legally shoot on the property. Knowing this, the Londonderry Police Department is limited in its ability to enforce laws pertaining to shooting. The Londonderry Police Department could enforce littering laws for those shooters who fail to pick up their targets and spent shell casings. We would also advise those shooting in the Musquash that there are safer places to practice their marksmanship for a relatively cheap membership fee. The Londonderry Police Department will continue to enforce laws and do our part to safe guard the community.

Respectfully,

Lt. Ryan Kearney A-25

Policy Against Harassment & Reporting Procedures

Overview: The Town of Londonderry is committed to providing a work environment that is free of harassment based on sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, sexual orientation, and any other characteristic protected by applicable law. The Town recognizes the harmful effects of harassment and will not tolerate it.

The Town of Londonderry requires all employees to report violations of this policy. The Town Manager (or designee) will respond promptly to reports of harassment, and will take corrective and/or disciplinary action, as appropriate, in an effort to ensure that the goals of this policy are met. The Town will not tolerate any form of retaliation against any employee who reports harassment or who participates in an investigation of a report or harassment.

Examples of Prohibited Harassment: This policy prohibits offensive, intimidating, threatening, or otherwise unwelcome comments or conduct based on sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, or sexual orientation. Examples of prohibited conduct include, but are not limited to:

- Written or spoken disrespectful or derogatory terms about sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, or sexual orientation;
- Slurs and epithets;
- Unwelcome jokes;
- Insults;
- Threats of physical violence or harm to a person's property;
- Display or circulation of materials, items, or images that are disrespectful, degrading or disparaging to individuals or groups based on the characteristics listed above;
- Any other unwelcome conduct or comments directed at a person or group because of a particular protected characteristic (i.e. sex, race, age, etc.).

It is important to note that the types of conduct explained in this policy are prohibited regardless of the intent of the person(s) engaging in the conduct (i.e. to be intentionally offensive, a misguided attempt at humor, attempts at establishing a romantic relationship, etc.). Prohibited conduct includes conduct that is direct as well as indirect (e.g. overheard conversations, e-mail messages sent or forwarded by accident, etc.).

Specific Information About Sexual Harassment: The formal definition of sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, physical, and non-physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of employment;

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding favorable employment opportunity, evaluation or assistance; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creating an intimidating, hostile, or offensive work environment.

Less formally, the types of conduct prohibited by this policy cover a wide range of inappropriate behaviors including, but not limited to, the actual coercion of sexual relations, unwelcome comments, jokes, innuendoes, sexually suggestive materials, and other unwelcome sexually oriented actions.

While it is not possible to list all of the types of conduct that might violate this policy, the following are some examples:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, vulgarity;
- Written or oral references to sexual conduct;
- Gossip or other comments regarding an individual's sex life;
- Comments regarding an individual's body;
- Comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, electronic images;
- Leering, staring, whistling, grabbing, pinching;
- Sexual flirtation;
- Brushing against someone's body;
- Sexual gestures;
- Suggestive or insulting comments;
- Inquiries or comments about one's sexual experiences; and
- Discussion of one's sexual activities, ambitions or perceptions.

Individuals Covered by this Policy: This policy applies to all employees of the Town of Londonderry at every level. This policy also prohibits harassment of or by non-employees (vendors, Board members, consultants, etc.) who come in contact with Town employees. This policy prohibits conduct whether it is directed at men by women, at women by men, at men by men, or at women by women, and regardless of whether the conduct occurs on or off the Town's premises or during or outside of working hours.

Mandatory Reporting Procedure: Employees must report any conduct that violates this policy using the "Reporting Procedure for Discrimination, Harassment, and Retaliation" below (referred to as the "Reporting Procedure"). Do not assume that the Town is aware of the problem. Each employee has a responsibility to report harassment. It is only through the active involvement of all employees that the Town can prevent and correct harassment in the workplace.

Using the Town's mandatory Reporting Procedure does not preclude an employee who has experienced conduct in violation of this policy from discussing the matter directly with the person(s) engaging in the offensive conduct. Employees who are offended by conduct are encouraged, but not required, to inform the person(s) engaging in the conduct of the

unacceptable nature of the conduct in a professional, civil manner. This discussion may resolve the issue, but even if it is resolved the matter must still be reported through the Reporting Procedure.

Consequences for Violating the Policy: Violations of this policy, whether intended or not, will not be tolerated. Any employee who violates this policy will be subject to corrective and/or disciplinary action, up to and including termination of employment. Note that the Town may take corrective and/or disciplinary action to address inappropriate conduct even if it does not rise to the level of unlawful harassment.

Retaliation will not be Tolerated: The Town of Londonderry requires employees to report violations of this policy and will not tolerate any form of retaliation against an employee who makes a report or who participates in an investigation of a report under this policy. All incidents of retaliation must be immediately reported using the Reporting Procedure.

Reporting Procedure for Discrimination, Harassment, and Retaliation

Any employee who has observed, been made aware of, or experienced conduct in violation of the Policy Against Harassment or any policy regarding diversity and equal employment opportunity (collectively referred to in this Reporting Procedure as the "Policies") must follow this reporting procedure to notify a Department Head, and if the incident involves a Department Head, notify the Town Manager (or the Town Manager's designee) of the problem so that the matter can promptly and thoroughly be investigated and appropriate action taken.

1. Notify the Department Head and/or Town Manager (or the Town Manager's designee) of the conduct. An employee can report the matter to any (or more than one) of these individuals orally or in writing.
2. In the event that the report is about conduct engaged in by the Town Manager, the employee may choose to make the report directly to the Chair of Town Council, and may do so orally or in writing.

Investigation: The Town will investigate reports made through this Reporting Procedure promptly and fairly. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may be conducted internally or, in appropriate circumstances, an outside investigator may be retained.

Investigations will typically include private interviews with the person filing the report, with witnesses, and with others as circumstances warrant. The person alleged to have violated the Policies will also typically be interviewed. Any employee asked to participate in an investigation is expected to cooperate fully and truthfully. When the investigation is complete, to the extent appropriate, the Town will inform the person filing the report and the person alleged to have violated the Policies of the results of that investigation.

Corrective/Disciplinary Action: Any employee who has violated the Policies or otherwise acted inappropriately will be subject to corrective and/or disciplinary action, up to and including immediate termination of employment.

Retaliation is Prohibited: Employees who make reports in good faith under this Reporting Procedure and/or participate in good faith in any investigation under this Reporting Procedure have the Town's assurance that it will not tolerate any form of retaliation against them for their participation in the process. Any concerns regarding retaliation must be reported using the Reporting Procedure.

Acknowledgment

I have received a copy of the Town of Londonderry's Policy Against Harassment and Reporting Procedure for Discrimination, Harassment, and Retaliation, and have read it or had it read to me.

Employee's Printed Name

Employee's Signature

Date