

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1
2 **September 14, 2015**

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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.

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

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10 **CALL TO ORDER**

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12 Chairman Dolan opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for Bob Early,
13 a previous Selectman and Fire Commissioner, who passed away last week. Chairman Farrell also asked for a moment of
14 silence for Bob Lincoln, one of the greatest men of Londonderry. He would build new fields for the Town, served on the
15 school committee and a good friend to everyone. Chairman Farrell stated that there will be a service in Florida as well as in
16 New Hampshire. Also for all first responders and those who did not survive 9/11.

17
18 **PUBLIC COMMENT**

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20 Chairman Farrell invited up Tom Roy, IT Manager, to give a small presentation on the new Town website proposal.

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22 Chairman Farrell invited up Elizabeth LaRocca and Brian Bosse from Eversource to do a Scobie Pond Station upgrade.
23 Bosse gave an update to the Council. Bosse stated that there will be a capacitor bank, which supports the voltage of the
24 system that will be put on. It will be enclosed in a fenced area. Councilor Green asked how it would affect the residents.
25 Bosse stated that it will not affect the residents. The Council thanked Eversource for their presentation.

26
27 **PUBLIC HEARING**

28
29 Motion to enter Public Hearing made by Councilor Dolan and second by Councilor Green. Chair votes 4-0-0.

30
31 Councilor Freda read amended Ordinance #2015-07, an Ordinance restricting target shooting in the Musquash [see attached].
32 Motion made by Councilor Freda and second for discussion but Councilor Green. Chairman Farrell stated that the Town
33 Council operates by Town Council rules. He will be asking for any questions from the Council and will be going to the
34 public after.

35
36 Eric Melanson, 7 Jewel Ct, stated that there's a line in the Ordinance about twenty-two caliber and twenty-two long rifle that
37 was removed from the reading on line two. Police Chief Hart stated that that changed was made to keep the guidelines very
38 simple and identical with the NH Fish and Game regulations with regard to hunting, which are published in the NH Fish and
39 Game rules.

40
41 Tony Ramy, 15 Faucher Rd, thanked the Task Force for all their work. Ramy stated that what was read this evening was
42 compromise. Ramy stated that eight weeks is plenty of time for folks to utilize the Musquash to shoot and hunt.

43
44 Lara McIntyre, 6 Red Fern Circle, stated that PollyAnn Winslow could not make it to the meeting but wanted a letter read
45 into the record. McIntyre read the letter into the record. Winslow's letter thanked the Musquash Task Force for working hard

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46 to come up with a reasonable compromise. McIntyre stated that she agrees, they are happy with the results. McIntyre asked
47 Chief Hart how the public will be notified of this change.

48
49 Chief Hart stated that much of the conduct that occurs out there is legal, if it doesn't violate the three hundred foot rule. There
50 is not a lot the police can do today, but once this passes, target shooting will be illegal. The first thing that the Police
51 Department will do it to educate people on this change. The areas will be appropriately posted. Check in procedures will be
52 pu into place for when people check in with the Police Department before target shooting. A brief handout will be put
53 together stating it is illegal and here are the rules and regulations, to hand out to people.

54
55 Lara McIntyre, 6 Red Fern Circle, asked why the Council feels it needs to be put up as a vote to the public and not that the
56 data can be gathered and the Council make the final decision in the end. Chairman Farrell stated that when Londonderry
57 moved to an SB2 Town form of government, it gave the voters an opportunity to have a voice. Chairman Farrell stated that
58 we should let the voters vote. Councilor Freda stated that he agrees. Councilor Freda stated that laws are easy to enforce
59 when they have the approval of the vast majority of people.

60
61 Steve Glynn, 33 Rolling Ridge Dr., stated that if his kids are playing in the backyard and they are three hundred feet from
62 where shooter are with a twenty-two, are they at risk? Dan Watson, Task Force, stated that it depends on how the weapon is
63 used. That is what the task force is trying to get rid of, people who don't know how to use these guns. Watson stated that that
64 risk is potential if someone is not shooting correctly. Councilor Dolan stated that he thinks it is an unsafe environment.

65
66 Chairman Farrell stated that from what he has gathered there are a few options. One is a complete ban, the other is allowing
67 twenty-twos and siting of rifles. Councilor Freda stated that he thinks there is a difficulty with a part of section five.
68 Councilor Freda suggested some changes. Councilor Freda stated that he would like to amend it to say "by a fine of not less
69 than one hundred and not more than two-fifty" and on the second violation state "not less than two-fifty and not more than
70 five hundred" and the third violation to state "shall be punishable by a fine of not less than one thousand". Second by
71 Councilor Green. Attorney Mike Ramsdell stated that it is the Councils prerogative but his experience is that when you put in
72 the three steps, that all of your first offenses are going to get a one hundred dollar fine. Attorney Ramsdell stated that whe
73 you have an Ordinance like this, if you make a first offense not more than one hundred dollars, you get a judge who doesn't
74 care for the Ordinance and you have expended your prosecution resources and the judge has given the convicted person a five
75 dollar fine, suddenly you're not enforcing the Ordinance anymore. Attorney Ramsdell stated that he would suggest that that is
76 not a change courts are familiar with. The amendment was withdrawn.

77
78 The Council discussed a motion to extend the period of time for citing a weapon. The motion failed.

79
80 Chairman Farrell stated that there is only one amendment. Chief Hart suggested that at the end of the last sentence that reads
81 "for hunting deer and turkey in Londonderry, New Hampshire" it should state after that "there shall be an additional
82 allowance for rim fire twenty-two and twenty-two long rifles". Councilor Freda amended his motion to include that.
83 Councilor Green amended his second. Chair votes 4-0-0. Ordinance passes and is in effect starting today (09-14-2015).
84 Chairman Farrell stated that the beginning of January the Police Department will come back with all information collected.

85
86 Motion to close public hearing made by Councilor Dolan and second by Councilor Green.

87
88 **OLD BUSINESS**

89
90 Town Manager Smith reintroduced the MOU with the New Hampshire Fish and Game Department. Smith stated that he
91 worked with NH Fish and Game to come up with a modified version to satisfy both parties. It was reviewed and approved by
92 Attorney Ramsdell. Smith stated that the agreement "becomes effective upon the signatures of all parties and shall remain in
93 effect for three year terms. If neither party proposes modification within sixty days of the end of each term, the agreement
94 shall automatically be renewed for an additional three years. If the parties are unable to reach an agreement on a proposed
95 modification, the agreement shall terminate upon the expiration of the three year term in which the unresolved modification

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96 was proposed". Heidi, NH Fish and Game stated that she has no comments. Chairman Farrell stated that Smith has a
97 consensus from the Town Council to approve the MOU.

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99

NEW BUSINESS

100

101 Chairman Farrell invited up Doug Smith, Finance Director, for a budget update. [See attached]

102

103 Chairman Farrell introduced Order #2015-28, expenditure of Maintenance Trust Funds for various project. Steve Cotton
104 presented. Motion to approve Order #2015-28 made by Councilor Green and second by Council Dolan. Chair votes 4-0-0.

105

106 Chairman Farrell introduced Ordinance #2015-08, An Amendment to the Zoning Ordinance Relating to Rezoning Map 17
107 Lot 17-A, 345 Rear Mammoth Road, from Multi-Family Residential III (R-III) to Industrial I (IND-I), first reading. Motion
108 to waive first reading and set the public hearing for October 19th made by Councilor Green and second by Councilor Freda.
109 Chair votes 4-0-0.

110

111 Chairman Farrell introduced Resolution #2015-05, A Resolution Relative to Re-Naming a Portion of Meadow Drive. Motion
112 to waive first reading made by Councilor Green and second by Councilor Freda. Chair votes 4-0-0. The public hearing will
113 be held on October 5th.

114

115 Chairman Farrell introduced Resolution #2015-06, establishing a Committee for the 300th Anniversary of the Nutfield
116 District. Town Manager Smith read in the Resolution. Motion to accept the motion as read made by Councilor Dolan and
117 second by Councilor Green. Reed Clark presented. Town Manager Smith stated that the second "Derry" listed there should
118 say "Chester". Motion to Resolution #2015-06 as amended made by Councilor Dolan and second by Councilor Green. Chair
119 votes 4-0-0.

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APPROVAL OF MINUTES

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123 Motion to approve minutes from August 17, 2015 made by Councilor Dolan and second by Councilor Freda. Chair votes 4-0-
124 0.

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BOARD/COMMITTEE APPOINTMENT

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128 Chairman Farrell invited up Michael Noone, 114 Chase Rd, candidate for Conservation Commission. Noone stated that he
129 has lived in town since 1989 and has raised all of his children in Town. He has worked in medical device industry for his
130 entire career. Noone stated that he has attended last month's meeting. Noone stated that he has reviewed all of the materials
131 presented to him. Councilor Dolan asked if there was any conflict of interest. Noone stated that there is not. Motion to
132 appoint Noone as a member of the Conservation Commission made by Councilor Dolan, second by Councilor Freda. Chair
133 votes 4-0-0.

134

135 Motion to accept the resignation of Kelly Walsh from the Conservation Commission. Motion to accept the resignation made
136 by Councilor Green and second by Councilor Freda. Chair votes 4-0-0.

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138 Motion to accept the resignation of Matthew Newman from the JNC. Motion to accept the resignation made by Councilor
139 Green and second by Councilor Freda. Chair votes 4-0-0.

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ADJOURNMENT

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

Notes and Tapes by:	Kirby Wade	Date: 09/14/15
Minutes Typed by:	Kirby Wade	Date: 09/17/15
Approved by:	Town Council	Date: 09/21/15