

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

1 **June 5, 2017**

2  
3 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth  
4 Road, Londonderry, NH.

5  
6 Present: Chairman Tom Dolan; Vice Chairman John Farrell; Councilors Ted Combes, Jim Butler and Joe  
7 Green; Town Manager Kevin Smith; Executive Assistant Kirby Wade;

8  
9 **CALL TO ORDER**

10  
11 Chairman Dolan called the Town Council special meeting to order. Chairman Dolan led the Pledge of  
12 Allegiance. This was followed by a moment of silence for those who serve us in uniform both here and  
13 abroad and for the victims of the recent terrorist attack in the UK.

14  
15 **PUBLIC COMMENT**

16  
17 Chairman Dolan opened up public comment. Dolan stated that the last few meetings it has been  
18 discussed about the opioid problem we have in New Hampshire. Dolan spoke to the danger of  
19 carfentanil, often used when putting down elephants. It is now showing itself on the streets. Dolan stated  
20 that when your children go out and play in the parks, keep your eyes open for needles.

21  
22 Chairman Dolan talked about informing veterans who may be suffering from PTSD when you will be  
23 setting off fireworks this 4<sup>th</sup> of July and to be sensitive to those around you.

24  
25 Deanna Mele, 8 Valley St, stated the following your comment about the syringes and needles being  
26 found on the side of the road, I had an incident where I was cleaning up the side of my property. People  
27 ride by and leave beer cans and plastic bottles. I did find a needle with syringe and it was exposed down  
28 on the corner where I really can't see what they're doing down there at night or during the day. I did call  
29 the police and they did come take it away with caution. It has been reported. I asked them to keep an eye  
30 on the area because I don't want people down there. If you are out there cleaning up your area you might  
31 suggest that they also wear gloves and protect themselves.

32  
33 Dep Paul, 118 Hardy Rd, wanted to know if the Council was getting any closer to a date and time that  
34 there will be a workshop for growth Ordinance management. Town Manager Smith stated that he would  
35 like some direction as to when they should occur. In the summer or in the fall. Chairman Dolan stated  
36 that it doesn't matter to him when they take place. Councilor Butler asked Paul when she would like to  
37 see them. Paul stated that she would like to see them asap because there us a lot of growth going on.

38  
39 There was no other public comment

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

## PUBLIC HEARING

42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82

Motion to open Public Hearing made by Councilor Green and second by Councilor Butler. Chair votes 5-0-0.

Chairman Dolan introduced Ordinance #2017-03, an amendment to the restriction of removing water from public bodies of water for commercial use. Town Manager Smith stated that this is an amendment to an Ordinance that we had at the time of the drought. Smith stated that it had been originally banned. What this Ordinance seeks to do, ban it permanently going forward, drought or no drought.

Remy Fortin, 7 Shasta Dr, stated that one of the problems that we will have with this Ordinance is that DES allows bulk water transporters that offer such services as filling swimming pools, hydro seeding, construction sites, etc. often draw waters from rivers or lakes. These are allowed in NH without a permit. Fortin referred to State law and regulations. Fortin stated that he is withdrawing water that also is used from same river/brook that the Town is using for irrigating their soccer field. If you're going to put the Ordinance in place, the Town shouldn't be allowed to pull water either. Fortin stated that there is so much water drawn by the Town to water the soccer fields that they drop the water lever down somewhere around thirty inches and dried up a lot last year downstream. Vice-Chair Farrell stated that in the State of NH, the Town doesn't have to follow its own Ordinance. Smith stated that the water companies have specific pickup sites.

Marge Baidous, 189 Litchfield Rd, Conservation Commission, stated that one of the key components that need to be kept in mind is permission. Anyone taking water from property that doesn't belong to them needs permission from that owner. Chairman Dolan stated that we rely on people to help us enforce these things. Let the Police Department know.

Deanna Mele, 8 Valley, word for word.

Mele: I'm getting a little confused about all of this sitting back there listening to everything. We have an Ordinance that has to do with irrigating the lawn and everything that we just discussed.

Dolan: No that's expires.

Mele: I know, right. We put the Ordinance in effect that if and when, we are making an Ordinance to keep in the books, so that if and when this happens again.

Dolan: We haven't discussed that yet. That's on our agenda.

Mele: That's what I wanted to clarify. Now as far as this Kendall Pond area, I was very concerned about that area as I have said many times. I have done a lot of research and I have also checked with the Town. That is Town owned property. I don't see why the Town of Londonderry does not have the right to put a

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

83 sign down there. It is Town owned property and I don't think the Town is going to give people  
84 permission to go down there and draw water out of there. I hope not! We went through all of this at the  
85 drought. I saw vehicles down there with hardly any water down there and they are still sucking the water  
86 out for their businesses. They don't care about the well owners and people around there. Apparently they  
87 have no concern about anyone else except getting that water and taking it out and putting it on the grass  
88 and making money on it. That should not be. Since the sign is very helpful, since the sign has been down  
89 there and we have been doing a lot of talking about this and since they were told, I have noticed people  
90 down there fishing, enjoying the area. This is what the area was for many years ago when I moved up  
91 here. We didn't have all these people down there drawing water out of that area, on Kendall Pond. It's  
92 beautiful, it's wonderful. The kids use to go down and feed the ducks. They haven't gone down there as  
93 yet, I haven't seen them feed the ducks but I see young men and I see older men down there with their  
94 fishing poles sitting in their chairs with the poles in the water, the lines in the water fishing, relaxing,  
95 enjoying it. Getting away from the toils of everyday activities. This is what that area is for. It is town  
96 owned property. The town should not be giving anyone the right to go down there and draw water out of  
97 that property. Not only that, it's not safe for them to take it because of the way the road is made and  
98 there's a lot of traffic and there is nowhere actually to pull in and park. They shouldn't be down there  
99 and as far as taking water from any of our waterways, we have abused this. It is about time we looked at  
100 this a little differently. Too many of the landscapers and hydro seeders, as I say other people, have been  
101 going down there and abusing this to the point now that we have to do something. We have to do  
102 something to protect that waterways, protect the land, protect the well owners, and protect the  
103 individuals. Yes, the person who owns the water, owns the property next to the water has rights can give  
104 permission for someone to take the water but hopefully if they are doing that they will be conscience  
105 about how much they are taking and I have been told while they have so much they can take, they can  
106 go to one place and get the water, they don't hit their full quota, they just go to another place and take it.  
107 This is a very important issue and the town should really be protecting their waterway and it is nice to  
108 have green grass. I love grass, I love beautiful scenery, I like the waterways, I like nature. We are  
109 destroying all of these things by not taking care of them properly. We do have to have an Ordinance and  
110 people who are responsible. People who are taking the water as well as the owners of the property. I am  
111 hoping the Town is really going to make this point very clear. Thank you.

112

113 The Council discussed adopting the Ordinance. Vice Chair Farrell stated that he would adopt the  
114 Ordinance. Farrell stated that the companies have the ability to go get the water somewhere else. Farrell  
115 stated that he agrees that they need to do more homework.

116

117 Councilor Green stated that we don't have anything to stop anyone right now and it's important that we  
118 do. Councilor Green motioned to pass and approve Ordinance #2017-03 as written. Second by Vice  
119 Chairman Farrell. Farrell stated to put a time clock on it to forces our hand to fix the Ordinance.  
120 Councilor Green amended his motion. Assistant Town Manager Lisa Drabik stated that if you want to  
121 put a time limit on it, the language needs to be put in the first paragraph and the last paragraph. Make it  
122 state 60-day mandatory ban. Councilor Green amended his motion for the 60-day's in both sections.  
123 Vice Chairman Farrell second. Chair votes 5-0-0.

124

125 Motion to close public hearing made by Councilor Green and second by Councilor Butler. Chair votes  
126 5-0-0.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168

## OLD BUSINESS

### NONE

## NEW BUSINESS

Chairman Dolan introduced the update to the senior transportation issue. We had a vote at the election to take over senior transportation changes. Assistant Town Manager Lisa Drabik gave an update. Drabik stated that it was article #21 on the ballot. The citizens authorized the Town to appropriate \$35,000 for the purpose of supplementing the transportation for those who currently use the CART program. Drabik recapped what CART provides to the Town already. CART provides the town with statistics about the number of unduplicated riders that uses CART. In the last fiscal year we only had 38 unduplicated riders. Because CART is recipient of federal funding, they have to meet very specific driver and vehicle standards. They have three types of services. A shuttle service (like a bus) which is free, the have an on demand service (taxi) which is \$3 if you stay in town and \$4 if you go between towns, and they have a ride that goes to hospitals in Manchester which cost \$5. Drabik talked about Green Cab which is the local Londonderry taxi company. Drabik stated that she has talked to the owner about working with the Town and using Green Cab to supplement CART. For those riders who can't be accommodated by CART. She would maintain fare slips for each ride which would indicate the place and time of pickup and drop-off

and the amount of the ride and the rider would sign off on the slip. Drabik stated that we could have the rider pay the \$5 and they would invoice the town for the rest, we could do a simple 50/50 split. You can portion it however you like. Drabik stated that CART is willing to take an extra step with their dispatch

center. Vice Chairman Farrell proposed that a 90-day pilot be put into place starting July 1 and readdress it September 4<sup>th</sup> to give us an idea of how it worked out over the summer. We use the Green Cab piece, it may even be doable to pick up the tab for the first 90 days so we can find out who the silent sufferers are and what the issues are and after the 90 days move to a 50/50 split of some sort. Drabik stated that there needs to be accountability built in somehow that they have contact CART and been denied CART. Farrell suggested that for the pilot, if they don't contact CART, they pay half. If they do contact CART, we pay the whole thing. Senior Center Director will be the contact to keep track of the risers.

## BOARD/COMMITTEE APPOINTMENT/RE-APPOINTMENT

Vice Chair Farrell asked for a jump in the agenda for the Town Council to interview Lynn Wiles for the Solid Waste and Environment Committee. Lynn Wiles introduced himself and stated that he lives at 46 Bartley Hill Rd. Council motioned to approve Wiles. Motion to approve made by Vice Chair Farrell and second by Councilor Butler. Chair votes 5-0-0.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

169 NEW BUSINESS

170

171 Chairman Dolan introduced Ordinance #2017-04, an Ordinance restricting residential outdoor law  
172 watering. This is a first reading and there will be a public hearing on June 19<sup>th</sup>. Town Manager Smith  
173 stated that this Ordinance was lifted word for word from the Town of Windham's Ordinance, put through  
174 attorney Ramsdell and all of the wording looked good. This allows us to have a standing Ordinance on  
175 restricting residential watering should we experience a drought again. Motion to waive the first reading  
176 and set a Public Hearing made by Vice Chair Farrell and second by Councilor Green. Chair votes 5-0-0.

177

178

## **APPROVAL OF MINUTES**

179

180 Approval of Town Council minutes from May 15, 2017 made by Vice-Chair Farrell and seconded by  
181 Councilor Green. Chair votes 5-0-0.

182

183

## **TOWN MANAGER REPORT**

184

185 The Council entered into Town Council Non-Public (personnel matter) RSA 91-A:3 Iia.

186

187

## **ADJOURNMENT**

188

189 Motion to adjourn made by Councilor Green and second by Councilor Butler. Chair votes 5-0-0.

190

191 Notes and Tapes by: Your name Date: 06/05/2017

192 Minutes Typed by: Kirby Wade Date: 06/09/2017

193 Approved by: Town Council Date: 06/19/2017