

TOWN COUNCIL AGENDA
October 5, 2020
Moose Hill Council Chambers
7:00 P.M.

Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM.

A. CALL TO ORDER

B. PUBLIC COMMENT

- 1.) Update on Sanborn Crossing Senior Living
Presented by Steven Lewis

C. PUBLIC HEARING

D. NEW BUSINESS

- 1.) **Ordinance #2020-04** – Emergency Ordinance Regarding Face Coverings/Masks
This draft emergency ordinance will be discussed at the request of the Emergency Management Director and will be considered in accordance with the Town's ordinance review process.
Presented by Lisa Drabik

E. OLD BUSINESS

F. APPROVAL OF MINUTES

Approval of September 28, 2020 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

- 1.) Appointments to Planning Board
2.) Interviews for Zoning Board of Adjustment

H. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
-**Update on CRCAR Program**
3. Assistant Town Manager Report

I. ADJOURNMENT

J. MEETING SCHEDULE

- A. Town Council Meeting – 10/19/20
Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 11/2/2020
Moose Hill Council Chambers, 7:00PM

ORDINANCE 2020 - 04

Emergency Ordinance Regarding Face Coverings/Masks

First Reading: 10/08/2020

Second Reading/Public Hearing: 10/19/2020

Adopted: 10/19/2020

SECTION I: PURPOSE AND AUTHORITY

The purpose of this emergency ordinance is to require the wearing of face coverings (hereinafter referred to commonly as “Masks”) under certain conditions during the COVID-19 Pandemic and the State of Emergency as declared by the Governor of New Hampshire. The Londonderry Town Council has the authority, in order to protect public health and safety, to enact such an emergency ordinance in accordance with Article 3, Section 3.8 of the Town Charter and New Hampshire RSA 147:1.

SECTION II: FACE COVERING/MASK REQUIREMENTS

Upon notification from the Emergency Management Director and/or the Public Health Officer for the Town that there is increased community transmission of COVID-19 in Londonderry, the Town Council may vote to invoke the following Mask requirements, and such Mask requirements shall remain until rescinded by subsequent action of the Town Council:

1. Employees of all businesses shall wear a Mask over their mouth and nose when interacting with the public and whenever they are within six feet of a co-worker or a customer.
2. Members of the public entering any business, including any outdoor area where business of any sort is conducted (except as stipulated in paragraph #3, below), work site, or government building must wear a Mask.
3. Members of the public entering a restaurant for any purpose, including picking up food for takeout, must wear a Mask over their mouth and nose. Members of the public dining indoors or outdoors at a restaurant may remove Masks while seated at their table, but must wear a Mask other than when seated at their table, including when entering or leaving the dining area or visiting the restroom of the restaurant.
4. Members of the public utilizing the Rail Trail, sidewalks and other pedestrian public ways, or public recreational lands, are strongly encouraged - but not required - to wear a Mask when there is a high likelihood of coming into contact with others for a sustained period of time and physical distancing of at least six feet may not be possible.
5. Residents, visitors and members of the public entering or present at a residential complex of greater than two (2) units are strongly encouraged but not required to wear a Mask in common areas and communal spaces, whether inside or outside, to the fullest

extent practicable and especially when there is a high likelihood of coming into contact with others and social/physical distancing of at least six feet may not be possible.

6. As used herein, “face covering” or “Mask” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose, mouth, and surrounding areas of the lower face. A face covering or Mask may be factory made, homemade, or improvised from ordinary household material.
7. Notwithstanding the above, this ordinance does not require children under 10 years of age to wear a Mask (parents should make their own judgment). Masks are not recommended for children less than 2 years of age.
8. A Mask is also not required to be worn by any person who can show that a medical professional has advised them that wearing a Mask may pose a risk to them for health-related reasons. However, in these cases, special effort should be taken to maintain physical distance of at least 6 feet from other individuals.
9. A person may temporarily remove a Mask when in a business if obtaining a service or product that requires verification of the person’s identity or age, but only for the time necessary to verify the person’s identity or age.

SECTION III: NOTIFICATION

Notification of the invocation of the Mask requirements set forth in Section II shall be given at least three calendar days before implementation. Notice of the regulations shall be posted on the Town’s website, on social media and on the Town Hall doors.

SECTION IV: ENFORCEMENT/PENALTIES

Penalties for non-compliance with this emergency ordinance will be issued by the Londonderry Police Department or the Town’s Health Officer as follows: 1st offense - a written warning; 2nd offense - a \$50 fine; 3rd offense and subsequent offenses - a \$100 fine.

SECTION V: TERMINATION OF MASK REQUIREMENTS

Public notification of termination of emergency Mask requirements shall be given in accordance with Section III herein.

SECTION XI: SEVERABILITY

If any section, provision, or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, provision, or phrase of this Ordinance.

SECTION XII: AMENDMENTS

This Ordinance may, from time to time, be amended by a majority vote of the Town Council at a regularly scheduled Town Council meeting, provided notice of said meeting has been duly posted at least seven (7) business days in advance of same.

SECTION XIII: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Town Council.

Adopted this _____ day of _____, 2020.

John Farrell - Chairman
Town Council

Sharon Farrell - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **September 28, 2020**

2
3 The meeting took place in Moose Hill Council Chambers at Town.

4
5 Present: Chairman John Farrell; Councilor Tom Dolan, Jim Butler⁰ and Deb Paul; Town
6 Manager Kevin Smith; Assistant Town Manager Lisa Drabik; Executive Assistant Kirby
7 Brown; Absent: Vice Chairman Joe Green

8
9 **CALL TO ORDER**

10
11 Chairman Farrell called the Town Council meeting to order. Chairman Farrell discussed
12 the 9/11 ceremony held in town on 9/11. This was followed by the Pledge of Allegiance.
13 This was followed by a moment of silence for one of our own fallen soldiers, Staff Sgt.
14 Ron Ouellette and his family.

15
16 **PUBLIC COMMENT**

17
18 Bart Fromuth and Laura Stacey from Freedom Energy presented an update to the Council
19 regarding the community choice aggregation plan. Fromuth stated that the last time they
20 were before the Council was prior to the pandemic and there has been a delay as to where
21 things stand. Fromuth stated that they are working with the public utilities on timeline.
22 There have been a few areas of pushback from Eversource. Fromuth stated that customer
23 data and who owns it has been an issue. As a result of the program, there needs to be
24 account details. Eversource wants to tie them into the same timeline they're using, almost
25 120 days before next print cycle takes effect. Fromuth stated that it makes it hard because
26 they won't know the rate to compare is. Fromuth stated that they should be able to go out
27 whenever they want so that the pricing can be competitive and asking for a 120 days in
28 advance commitment, they are asking the program to go in blind. Fromuth stated that if
29 that's how it ends up, he recommends the Council doesn't move forward with it. It's going
30 to take a few more months of negotiations at the PUC level. Councilor Dolan stated that if
31 they want to go to the Governor with it, he would be happy to set it up. Chairman Farrell
32 asked Fromuth to keep the Council updated and hopefully everything works out with the
33 PUC.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

35 Ted Combes, 6 Bancroft Rd, asked the Council how and why the Fire Chiefs code 19 safety
36 memorandum dated 9/1 was rescinded for where the pens would be located for the primary
37 election. Chairman Farrell stated that there were a few ideas thrown out there originally.
38 Chief O'Brien stated that there was concern about the area leading into the polls and that
39 they threw around ideas to keep people away from the entrance to the building. Initially it
40 was talked about putting them along the sidewalk on both sides of the high school. Once it
41 was determined that that could cause a traffic issue in that area, the second option was to
42 look at the grassy area by the cable studio. It was brought to the attending of the Secretary
43 of State's Office and the Secretary of State indicated that the town wasn't allowed to do so.
44 Combes stated that he heard there was a lawsuit threat to stop it. Chief O'Brien stated that
45 he had heard rumors. Chief O'Brien stated that his decisions were made to keep the numbers
46 low like they have been in Londonderry. Chief O'Brien stated that the pens were separated
47 a little more form the building and everyone tried their hardest to stay in the pens to protect
48 the community. Chief O'Brien stated that we are a community and we try to do the right
49 things together. Combes stated that it feels like a fishy situation to have the Chief as
50 emergency response manager to put forth a memorandum and then to have the stated say
51 that no you can't. Combes stated that he has seen multiple posts online that a particular
52 candidate went forth to the Secretary of State threatening a lawsuit against the town if we
53 didn't move the pens. Combes stated that it seems like we were pressured to move them.
54 Councilor Butler stated that the Chief did a great job at the elections and that the issue is
55 both sides.

56
57 Ann Chiampa, 28 Wedgewood Drive, suggested renting a portable aluminum ramp for
58 handicap access at the polls.

PUBLIC HEARING

NONE

NEW BUSINESS

65
66 Chairman Farrell introduced Order #2020-14, an order relative to the distribution of fire
67 equipment from the Capital Reserve Fund. Chief O'Brien stated that this is for equipment,
68 which is fire ladders and an extended warranty for defibrillators that the town has. Chief
69 O'Brien presented Order #2020-15, an Order relative to the withdrawal from the Fire Truck

LONDONDERRY TOWN COUNCIL MEETING MINUTES

70 Capital Reserve Fund. . Motion to approve Order #2020-14 and Order #2020-15 made by
71 Councilor Dolan and second by Councilor Butler. Chair votes 4-0-0.

72

73

OLD BUSINESS

74

75 Richard Canuel, Building Inspector, presented an update to the S & S Metals junkyard
76 licensing, continued from July. Councilor Paul recused herself. Canuel stated that the front
77 section of the yard will be cleaned up. Canuel stated that the owner is okay now with the
78 license. Motion to approve the license made by Councilor Dolan and second by Councilor
79 Butler. Chair votes 3-0-1. Councilor Paul rejoined the discussion.

80

81 Chairman Farrell introduced discussion or Ordinance #2020-03 restricting lawn watering.
82 Councilor Paul requested this agenda item. Councilor Paul stated that the increase in the
83 fines, one thousand dollars, is extremely high. Councilor Paul also asked how this is going
84 to be enforced. Councilor Paul also stated that the word municipal should be added to it as
85 well so the town follows the same rules. Assistant Town Manager stated that if changes
86 will be made we have to go through the process of public hearing, etc. again. Drabik stated
87 that enforceability is more of putting something in place so people are aware and more
88 likely to take action. And in terms of adding municipal to the Ordinance, the town can
89 decide to abide by the restrictions but Attorney Ramsdell stated that as long as we use the
90 property for a government purpose, it's been the law in New Hampshire for a long time
91 that municipalities don't have to follow their own Ordinances. Councilor Paul stated she
92 understands but if we are asking the taxpayers to follow something, the town should lead
93 by example. Councilor Paul stated she was also thinking of going up to just five hundred
94 for a fine is more reasonable. Smith stated that the town does everything they can to
95 educate people.

96

97 Councilor Dolan suggested the town goes to level one restriction. Odd and even law
98 watering depending on what your address is but no watering between the hours for 8 AM
99 and 10 PM. Councilor Butler second the motion. Chair votes 4-0-0.

100

101

APPROVAL OF MINUTES

102

103 Motion to approve the Town Council minutes from September 14, 2020 made by

LONDONDERRY TOWN COUNCIL MEETING MINUTES

104 Councilor Dolan and second by Councilor Paul. Chair votes 3-0-1.

105

APPOINTMENTS/REAPPOINTMENTS

107

108 Councilor Motioned to accept the resignations of Richard Floyd from the Conservation
109 Commission and Jim Tirabassi from the ZBA. Motion made by Councilor Dolan and
110 second by Councilor Butler. Chair votes 4-0-0. Chairman Farrell thanked both for their
111 service to the town.

112

113 The Council interviewed Lynn Wiles for the Planning Board. Wiles served on the
114 Planning Board before but due to work schedule he had to step down. Now is schedule has
115 changed and Wiles stated that he is looking to serve the town again.

116

117 Councilor Dolan motioned to appoint Paul Peddle as an alternate member to the Traffic
118 Safety Committee. Second by Councilor Butler. Chair votes 4-0-0.

119

120 Councilor Butler motioned to appoint Lynn Wiles as an alternate to the Planning Board
121 with a term expiring 12/31/2020. Second by Councilor Paul. Chair votes 4-0-0.

122

123 Councilor Butler invoked Councilor privilege and decided to wait until the next meeting
124 when Vice Chairman Green is present to make the remainder of the Planning Board
125 appointments.

126

ADJOURNMENT

128

129 Motion to adjourn made by Councilor Dolan and seconded by Councilor Butler. Chair votes
130 4-0-0.

131

132 Notes and Tapes by: Kirby Brown Date: 09/28/2020

133 Minutes Typed by: Kirby Brown Date: 10/01/2020

134 Approved by: Town Council Date: 10/05/2020