

Town of Londonderry Town Council Agenda

April 6, 2020

7:00 p.m.

REMOTE MEETING

Per Emergency Order #12 Pursuant to Executive Order 2020-04, during the current declared State of Emergency, the Governor has waived the requirement in RSA 91-A:2, III (b) that a quorum of a body be physically present as it relates to public meetings. Under the same directive, the Governor has also waived the requirement in RSA 91-A:2, III(c) that each part of a meeting of a public body be audible or otherwise discernable to the public "at the location specified in the meeting notice as the location of the meeting." These two requirements are waived so long as the public body:

1. Provides public access to the meeting by telephone, with additional access possibilities by video or other electronic means;
2. Provides public notice of the necessary information for accessing the meeting;
3. Provides a mechanism for the public to alert the public body during the meeting if there are problems with the access; and
4. Adjourns the meeting if the public is unable to access the meeting.

In accordance with this directive, the Londonderry Town Council will conduct its meeting as follows:

1. The public shall have access to participate in the meeting by telephone, computer, tablet or smartphone. To join via telephone, the public may call 1-646-749-3122 and when prompted enter Access Code: 770-230-229. To join the meeting by computer, tablet or smartphone, please check the main page of the Town website an hour prior to the meeting, where the video login information will be posted beginning at 6:00 p.m.
2. The meeting will also be broadcast on Londonderry Access Center TV channel GOV-22 or via live stream at <http://www.lactv.com/>
3. This notice serves as the public notice of the necessary information for accessing the meeting. Further information for accessing the meeting will be posted on the Town's website and through various social media avenues.
4. You may also provide public testimony via e-mail. Please e-mail your testimony to kbrown@londonderrynh.org by April 6, 2020 no later than 12:00 PM. Your testimony will be read into the public record at the meeting.
5. The Council encourages that any documentation that you wish for the Council to consider be submitted by April 6, 2020 no later than 12:00 PM to allow distribution to the Board at the virtual meeting. You can submit documentation electronically to kbrown@londonderrynh.org, drop it in the black Drop Boxes located outside the Town Hall front or back doors (and clearly mark your envelope for "Kirby Brown"), or mail it to Town Council c/o Kirby Brown, 268B Mammoth Road, Londonderry, NH 03053.
6. If you attempt to call in to the meeting to provide public testimony and are unable to access the meeting, please notify Kirby Brown during the meeting by calling 603-432-1100 x 120 or sending an email to kbrown@londonderrynh.org.
7. If during the meeting there are problems with access, Kirby Brown will alert the public and the Council members; and
8. If at any time the public is unable to access the meeting, the meeting will be adjourned and continued to a date certain.

TOWN COUNCIL AGENDA
April 6, 2020
7:00 P.M.
VIRTUAL MEETING

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

C. PUBLIC HEARING

D. OLD BUSINESS

E. NEW BUSINESS

1.) **Resolution #2020-03** – A Resolution Relative to the Town of Londonderry Family Medical Leave of Absence Policy in Compliance with the Families First Coronavirus Response Act **(First Reading)**
Presented by Lisa Drabik

2.) **Resolution #2020-04** – A Resolution Relative to the Acceptance of Unanticipated Revenue Under RSA 31:95-b
Presented by Justin Campo

3.) **Resolution #2020-05** – A Resolution Relative to Carbon-Pricing Legislation **(First Reading)**

4.) **Discussion of Town Council 2020 Goals**

F. APPROVAL OF MINUTES

Approval of March 16, 2020 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

H. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
 1. Updated on staffing and budgetary update during Coronavirus ‘shut down’
 2. Update on failed warrant articles at March election
3. Assistant Town Manager Report

I. ADJOURNMENT

J. MEETING SCHEDULE

- A. Town Council Meeting – 04/20/20 Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 05/04/20 Moose Hill Council Chambers, 7:00PM
- C. Town Council Meeting – 05/18/20 Moose Hill Council Chambers, 7:00PM
- D. Town Council Meeting – 06/01/20 Moose Hill Council Chambers, 7:00PM

RESOLUTION #2020-03

A Resolution Relative to the Town of Londonderry FAMILY MEDICAL LEAVE OF ABSENCE POLICY IN COMPLIANCE WITH THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

First Reading: 04/06/2020

Hearing/Second Reading: 04/20/2020

Adopted: xx/xx/2020

WHEREAS on 6/13/19, the Town of Londonderry adopted Resolution #2019-05, thereby replacing and adopting a revised “Family and Medical Leave of Absence Policy” in Title VI—Town Policy Chapter XI;

WHEREAS in light of the current COVID-19 pandemic, the United States Congress enacted the “Families First Coronavirus Response Act” (FFCRA), mandating certain employers to provide expanded family and medical leave rights to certain employees for certain reasons related to COVID-19;

WHEREAS the Town of Londonderry is an employer required to comply with the provisions of the FFCRA;

WHEREAS the Town Council may, pursuant to Article 3 of the Town Charter, revise the Municipal Code as necessary; and

WHEREAS a new Temporary Leave Policy in compliance with the FFCRA is attached hereto and shall become Section VII of the “Family and Medical Leave of Absence Policy” in Title VI, Chapter XI, of the Town Policy section of the Londonderry Municipal Code.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Londonderry, that Resolution 2020-03 is hereby adopted as the new Section VII of **Title VI – Town Policy, Chapter XI – Family and Medical Leave of Absence Policy** and it shall become effective on the date of adoption set forth herein and reviewed as necessary thereafter.

John Farrell, Chairman
Londonderry Town Council

A true copy attest:

Sharon Farrell - Town Clerk

(TOWN SEAL)

SECTION VII. Temporary Leave Policy In Compliance With The “Families First Coronavirus Response Act” (FFCRA)

Congress has enacted the “Families First Coronavirus Response Act” (hereinafter, “FFCRA”), which revises the already existing Family and Medical Leave Act (FMLA) to require expanded family and medical leave for specified reasons related to COVID-19. The provisions of the FFCRA (and by extension, this new Section VII of the Town’s Family and Medical Leave Policy) must be in effect on **April 1, 2020** and will remain in effect until **December 31, 2020** (unless modified later by federal legislation).

EMERGENCY PAID SICK LEAVE (“PSL”)

Regardless of length of employment and upon presentation of documentation evidencing the following, employees are entitled to receive up to eighty (80) hours (pro-rated for part-time employees) of paid sick leave (“PSL”) for an absence related to COVID-19 if you are unable to work (or telework) due to any one of the following reasons:

1. You are subject to a Federal, State or local (including Town-mandated) quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. You are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
4. You are caring for an individual who is under either a governmental quarantine order or advice from a health care provider to self-quarantine;
5. You are caring for your son or daughter (under age 18) because his/her school or place of childcare has closed, or his/her childcare provider is unavailable due to COVID-19 precautions; OR
6. You are experiencing another substantially similar condition specified by the Secretary of Health and Human Services.

For reasons 1, 2 and 3: Paid Sick Leave (PSL) is paid at your regular pay rate, capped at \$511/day (\$5,110 total).

For reasons 4, 5 and 6: PSL is paid at 2/3 of your regular pay rate, capped at \$200/day (\$2,000 total).

This PSL is **IN ADDITION TO** any accrued sick leave you already have (meaning, these 80 hours will NOT come out of your sick leave time). PSL is also **in addition to** any COVID-related time you may have already taken (and was provided as regular pay) prior to 4/1/20 under the Town’s then-Temporary Leave Policy.

Coordination with Workers' Compensation: If any hours of PSL are also approved by Primex to be covered by Workers' Compensation and the Town has already paid PSL in your paycheck, you will be required to sign over any Workers' Compensation check(s) to the Town (as you will have already been paid your regular wages for the PSL hours).

ADDITIONAL CHILDCARE RELATED LEAVE (“CRL”)

Upon presentation of documentation evidencing the following, eligible employees* are permitted to take up to twelve (12) weeks of Childcare Related Leave (“CRL”) if you are unable to work (or telework) due to a need to take care of your minor child resulting from:

- School closure due to a public health emergency; OR
- Unavailability of a child care provider due to a public health emergency.

*The following employees are NOT eligible for CRL: Law enforcement officers (to include patrol officers up to the Chief of Police); firefighters (to include firefighter/EMT/paramedics up to the Fire Chief); telecommunications operators/dispatchers; public works personnel (to include all truck driver/laborers, equipment operators, mechanic/equipment operators, Assistant Foreman, Foreman, Environmental Engineer, Asst. Public Works Director, and DPW Director); and emergency management personnel (to include the Town Manager, Assistant Town Manager, and Finance Director). For all other employees: to be eligible for CRL, you must have worked for the Town for at least 30 calendar days.

The first two (2) weeks of CRL are unpaid; however, you are allowed to use your own sick, vacation, or floating holiday pay (in that order) to cover the first two weeks of CRL. You may also use Paid Sick Leave (“PSL”) for the first two weeks of CRL if you have not already used your PSL allotment for reasons 1-4 or 6 in the PSL Section, above.

The remaining (up to) ten (10) weeks of CRL are paid at 2/3 of your regular pay rate, capped at \$200/day (\$10,000 total).

IMPORTANT PROVISIONS RELEVANT TO BOTH PSL AND CRL

Both types of leave described herein (PSL and CRL) fall within the 12-week/year parameters already set forth by the Town’s FMLA Policy, meaning that during the FMLA year used by the Town, only 12 weeks of any type of leave (regular FMLA, PSL and CRL) may be taken.

If your PSL or CRL is paid at 2/3 of your regular pay rate (see above), you may NOT use accrued leave time to supplement your wages during the duration of such PSL or CRL.

Whether your COVID-related leave falls under PSL or CRL, you must notify your Supervisor as well as contact Human Resources so that we may properly process your leave and file all necessary paperwork, including with Primex if applicable. You may be required to submit documentation evidencing your fitness for duty prior to your return to work.

RESOLUTION 2020-04

A Resolution Relative to the

Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 04/06/20
Second Reading: Waived
Adopted: 04/06/20

WHEREAS the Town of Londonderry adopted the provisions of RSA 31:95-b with the passage of warrant article 18 at their March, 1994 town meeting; and,

WHEREAS the Town Council has complied with RSA 31:95-b, III (b) relative to unanticipated moneys received in amounts less than \$10,000; and,

WHEREAS the Town has been awarded a grant by the NH Department of Safety's Homeland Security Program in the amount of \$6,000.00, in order to purchase equipment for the Fire department that meets the requirements of the "EMS in the Warm Zone grant" to be purchased during fiscal year ended June 30,2020.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that grant revenue in the amount of \$6,000 for the fiscal year ended June 30, 2020, is hereby accepted.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:

04/06/2020

RESOLUTION #2020-05

A Resolution Relative to Carbon-Pricing Legislation

First Reading: 04/06/2020

Second Reading: Waived

Adopted: 04/06/2020

WHEREAS as a citizen's petition warrant article was submitted to the Town of Londonderry, and as required by RSA 39:3, placed on the ballot for the March 10, 2020 official ballot town meeting;

WHEREAS the citizen's petition warrant article stated: "Shall the Town of Londonderry vote to direct the Londonderry Town Council to transmit by written notice within 30 days of passage of this warrant article to Londonderry's State Legislators, Governor Sununu, New Hampshire's Congressional Delegation, and President Donald Trump,¹ that the Town of Londonderry calls upon its elected State and Federal representatives to enact carbon-pricing legislation in the form of a Carbon Fee and Dividend approach and a Carbon Cash-Back program to protect New Hampshire from the costs and environmental risks of continued climate inaction";

WHEREAS the citizen's petition warrant article was a non-budgetary warrant article that the Town Council did not recommend to the Londonderry voters; and

WHEREAS the citizen's petition warrant article passed by majority vote during the March 10, 2020 official town meeting.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Londonderry, that Resolution 2020-04 is hereby adopted and the Town Council will forward this Resolution 2020-04 to Londonderry's State Legislators, Governor Sununu, New Hampshire's Congressional Delegation, and President Donald Trump, as notice that "the Town of Londonderry calls upon its elected State and Federal representatives to enact carbon-pricing legislation in the form of a Carbon Fee and Dividend approach and a Carbon Cash-Back program to protect New Hampshire from the costs and environmental risks of continued climate inaction."

John Farrell, Chairman
Londonderry Town Council

A true copy attest:

Sherry Farrell, Town Clerk

(TOWN SEAL)

Adopted: 04/06/2020

State of New Hampshire

ROBERT L. QUINN
COMMISSIONER OF SAFETY



RICHARD C. BAILEY, JR
PERRY E. PLUMMER,
ASSISTANT COMMISSIONERS

DEPARTMENT OF SAFETY

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

Tel: (603) 223-3889
Speech/Hearing Impaired
TDD Access Relay NH 1-800-735-2964

March 17, 2020

Lt. Donald Waldron
Town of Londonderry Fire Dept
280 Mammoth Road
Londonderry, NH 03053

Re: 2018 Homeland Security Grant Program Award – EMS Warm Zone Equipment

Dear Lt. Waldron,

It is my pleasure to inform you that upon review of your 2018 Homeland Security Grant Application, the Town of Londonderry Fire Dept has been awarded \$6,000. These funds are awarded under the State Homeland Security Program (SHSP) portion of the 2018 Homeland Security Grant Program (HSGP) for the purchase of the equipment listed on the attached Approved Item Checklist.

These grant awards are subject to federal program requirements and special conditions. Enclosed are your Sub-Recipient Information Reporting Form, federal grant terms and conditions, special conditions requirements, lobbying certification, and acceptance of audit requirement forms. All signature forms must be returned to the Grants Management Unit within fifteen (15) days of the date of this letter. Special conditions requirements must be responded to within thirty (30) days of the date of this letter. Failure to meet these requirements will result in a delay in reimbursement or cancellation of your grant award.

We, at the Department of Safety, look forward to this opportunity to work diligently with local first responders, public safety officials, and other local and state officials and agencies to prepare and protect our citizens. It is our hope that we will never have to apply these skills, or use this equipment; however, we will work together to ensure that our ability to do so will be keen.

Sincerely,

A handwritten signature in blue ink that reads "Pamela Urban-Morin".

Pamela Urban-Morin
Grants Administrator

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 March 16, 2020

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

5
6 Present: Chairman John Farrell; Vice Chairman Joe Green (via phone); Councilor Jim
7 Butler, Tom Dolan and Deb Paul; Town Manager Kevin Smith; Assistant Town Manager
8 Lisa Drabik; Executive Assistant Kirby Brown

9
10 CALL TO ORDER

11
12 Chairman Farrell called the Town Council special meeting to order and led the Pledge of
13 Allegiance. This was followed by a moment of silence for all of those who serve us both
14 here and abroad and for the first responders in Londonderry of the COVID-19 front lines
15 and all of those who are vulnerable to the disease.

16
17 PUBLIC COMMENT

18
19 Chairman Farrell stated that first item is Town Council reorganization. Motion to appoint
20 John Farrell as Chairman and Joe Green as Vice Chairman made by Councilor Jim Butler
21 and second by Councilor Dolan. Chair votes 4-0-1.

22
23 Fire Chief Darren O'Brien gave the Council an update on COVID-19. Currently 17 positive
24 tests and 195 pending cases in New Hampshire as of March 16th. Chief O'Brien went over
25 the steps that are being taken to protect the town's first responders and the community.
26 Chief O'Brien stated that all crews will be in protective gear when doing calls.

27
28 Assistant Manager Lisa Dribik discussed how closing the physical building of Town Hall
29 wasn't going to stop day to day operations. Drabik went over all that will be running behind
30 closed doors with registering cars, building permits, etc.

31
32 Ted Combes, 6 Bancroft Rd, asked if the Council could work with the non-profits the town
33 supports to help the elderly and people in need how need assistance. Chairman Farrell
34 stated that the town is working on a protocol for that now. Drabik stated Community Health
35 Services is still open and helping people. Drabik stated that there is a woman in town who
36 is putting together volunteers to help.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

37 Peter Curro, Londonderry School District, stated that Amanda, the food manager for the
38 school, has already reached out to all of the students on free or reduced lunch programs,
39 and made them aware that they were going to be doing meals to go to be picked up at the
40 high school. The same program as if school was in session.

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PUBLIC HEARING

44

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NONE

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OLD BUSINESS

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NONE

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NEW BUSINESS

52

53 Chairman Farrell stated that the Council is going to table the update on the town election
54 warrant articles and GIS presentation.

55

56 Chairman Farrell introduced Order #2020-07, an Order relative to the expenditure of
57 Maintenance Trust Fund for various projects in the amount of \$23,798.95. Steve Cotton
58 presented. Motion to approve Order #2020-07 made by Councilor Butler and second by
59 Councilor Dolan. Chair votes 5-0-0.

60

61 Chairman Farrell introduced the first reading of Ordinance #2020-01, an amendment to
62 the Zoning Ordinance relative to rezoning 603 Mammoth Rd. This is a first reading with
63 a public hearing to be scheduled. Motion to waive first reading made by Councilor Dolan
64 and second by Councilor Butler. Chair votes 5-0-0.

65

66 Motion to re-appoint Erin Newnan as the Town's Tax Collector with an expirations date
67 of 2021 made by Councilor Dolan and second by Councilor Butler. Chair votes 5-0-0.
68 Councilor Paul asked if it was a full-time position. Chairman Farrell stated that it is.

69

70

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LONDONDERRY TOWN COUNCIL MEETING MINUTES

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APPROVAL OF MINUTES

74

75 Motion to approve the March 2nd Town Council minutes made by Councilor Butler and
76 second by Councilor Dolan. Chair votes 4-1-0.

77

78

ADJOURNMENT

79

80 Motion to adjourn made by Councilor Dolan and seconded by Councilor Butler. Chair votes
81 5-0-0.

82

83

84 Notes and Tapes by: Kirby Brown Date: 03/16/2020

85 Minutes Typed by: Kirby Brown Date: 03/25/2020

86 Approved by: Town Council Date: 04/06/2020