

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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1 September 28, 2020

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

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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

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11 Chairman Farrell called the Town Council meeting to order. Chairman Farrell discussed  
12 the 9/11 ceremony help 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

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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. Frumoth 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. Frumoth 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.

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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**

61  
62 **NONE**

### **NEW BUSINESS**

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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

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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.

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73

### **OLD BUSINESS**

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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.

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101

### **APPROVAL OF MINUTES**

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

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

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## 106 APPOINTMENTS/REAPPOINTMENTS

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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.

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## 127 ADJOURNMENT

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

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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