

LONDONDERRY TOWN COUNCIL MEETING MINUTES

September 28, 2020

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

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

CALL TO ORDER

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

PUBLIC COMMENT

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

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Ted Combes, 6 Bancroft Rd, asked the Council how and why the Fire Chiefs code 19 safety memorandum dated 9/1 was rescinded for where the pens would be located for the primary election.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

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

PUBLIC HEARING

NONE

NEW BUSINESS

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

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

OLD BUSINESS

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

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

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

APPROVAL OF MINUTES

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

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

APPOINTMENTS/REAPPOINTMENTS

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

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

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

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

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

ADJOURNMENT

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

Notes and Tapes by: Kirby Brown

Date: 09/28/2020

Minutes Typed by: Kirby Brown

Date: 10/01/2020

Approved by: Town Council

Date: 10/05/2020