



LONDONDERRY TOWN COUNCIL

John Farrell • Chair
Joe Green • Vice Chair
Jim Butler • Councilor
Deb Paul • Councilor
Chad Franz • Councilor

Michael Malaguti • Town Manager
Justin Campo • Finance Director

Agenda
October 3, 2022 – 7:00 P.M.
Moose Hill Council Chambers

A. CALL TO ORDER

B. PUBLIC COMMENT

C. PUBLIC HEARING

D. NEW BUSINESS

1. Confirmation of Deputy Chief Kim A. Bernard as Londonderry Police Chief
(*Michael Malaguti, Town Manager*)
2. Discussion on Police Department Fire Alarm Panel
(*Dave Wholley, Director of Public Works*)
3. **Order #2022-16** – An Order Relative to the Expenditure of Reclamation Trust Funds
(*John Trottier, Director of Engineering and Environmental Services*)

E. OLD BUSINESS

F. APPROVAL OF MINUTES

September 26, 2022 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

H. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
 - A. Drought Update

I. ADJOURNMENT

J. MEETING SCHEDULE

1. Town Council Meeting 10/17/2022
Moose Hill Council Chambers, 7:00 P.M.
2. Town Council Meeting 11/07/2022
Moose Hill Council Chambers, 7:00 P.M.



Office of the Town Manager
Michael J. Malaguti • Town Manager
268B Mammoth Road, Londonderry, NH 03053
mmalaguti@londonderrynh.org • (603) 432-1100 x151

John Farrell, Chairman
Londonderry Town Council

September 29, 2022

RE: Appointment of Chief of Police

Dear Chairman Farrell:

Pursuant to Section 4.7 of the Town Charter, I have appointed Deputy Chief Kim A. Bernard as Chief of Police, subject to confirmation of the Town Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Malaguti", is written over the word "Sincerely,".

Michael J. Malaguti

cc: Tara Koza, Human Resources Manager
Deputy Chief Bernard

First Reading: 10/03/22
Hearing/Second Reading: Waived
Adopted: 10/03/22

ORDER 2022-16

An Order Relative to

THE EXPENDITURE OF RECLAMATION TRUST FUNDS

WHEREAS in 2003 voters established a Reclamation Trust Fund to fund the disposal of motor vehicle waste, and recycling and reclamation of other wastes; and

WHEREAS recycling carts are required for the automated curbside recycling collection

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby authorized to expend \$18,979.00 from the Reclamation Trust Fund for recycling carts.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
10/03/22

LONDONDERRY TOWN COUNCIL MEETING MINUTES

Londonderry Town Council Meeting Minutes September 26, 2022 6:30 PM

The meeting took place in the Moose Hill Council Chambers, 268B Mammoth Rd, Londonderry, NH 03053.

Present: Chairman John Farrell; Vice Chairman Green; Councilor Jim Butler, Chad Franz, and Deb Paul; Town Manager Michael Malaguti; Finance Director Justin Campo; Absent: Executive Assistant Kirby Brown

CALL TO ORDER

The Town Council began in non-public at 6:30 PM.

Motion to come out of non-public made by Vice Chairman Green and seconded by Councilor Franz. Chairman Farrell called the Town Council meeting to order at 7:11 PM in roll call vote; Councilor Deb Paul, Vice Chairman Joe Green, Chairman John Farrell, Councilor Jim Butler, and Councilor Chad Franz.

Motion to seal the non-public minutes made by Vice Chairman Green and seconded by Councilor Franz. Chair votes in a roll call vote; Councilor Deb Paul, Vice Chairman Joe Green, Chairman John Farrell, Councilor Jim Butler, and Councilor Chad Franz.

This was followed by the Pledge of Allegiance. This was followed by a moment of silence for all of those who serve us both here and abroad, especially our Londonderry first responders who keep the schools and people safe.

PUBLIC COMMENT

Deputy Chief Kim Bernard, Londonderry Police Department, introduced Norm Frink, a new Officer, and Kendra Cooley, who will be a new dispatcher. The Council welcomed Cooley and Fink.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

34 Deputy Chief Bernard also shared that a twenty-one-year Lt., Lt. Ryan Kearny, will be
35 resigning from Londonderry Police Department.

36

37 Tony DeFrancesco, 1 Cheshire Ct, made a verbal and written complaint.

38

39 “On Wednesday September 14, 2022, at a meeting of the planning board an event
40 happened during the CIP presentation. This town council's representative on the planning
41 board called into question the motives and integrity of the company hired by the school
42 district to do an assessment of their facilities. When I objected, your representative asked
43 me "what do you have invested in it". That question was an unethical charge. It called into
44 question my integrity. It was also accusatory.....insinuating that I am on the take or would
45 benefit somehow by the actions of that company. I am here to tell you that is not true and
46 could not be further from the truth.

47

48 I am a dedicated volunteer. I am a licensed real estate agent. I am not a real estate broker,
49 I am not a real estate developer, I do not own a construction or landscaping company nor
50 work in the construction or landscaping industry, I am not an architect or engineer, nor
51 do I work in those capacities. There is no possible way I could benefit in any pecuniary
52 way, or otherwise, from the volunteer work that I do for the school district, the town of
53 Londonderry or the various public philanthropic organizations that I have been a member
54 of. For the past several decades I have volunteered for and donated thousands of hours of
55 my time virtually every time I was asked on both the school side and town side of
56 government in this town. The list of committees I have been on and am currently on
57 would fill several pages. I can assure you that my efforts are.... have been and will
58 continue to be.... purely philanthropic and altruistic.

59

60 Currently I am a volunteer member of the Londonderry School district master plan
61 committee, the master plan subcommittee, the facilities committee, the kindergarten
62 committee, and I volunteer many hours per week for the Londonderry High School
63 Athletic Department.

64 I love the town of Londonderry and enjoy "giving back" to a community that has been a
65 part of my life for the past 44 years. Being accused hurt me deeply and tarnished my
66 reputation.... possibly forever. The fact that it happened on live and recorded tv at a
67 public meeting of the planning board by a sitting member of this town council only
68 compounds the issue.

69

LONDONDERRY TOWN COUNCIL MEETING MINUTES

70 At this time Mr. Chairman, I would like to submit to you my formal letter of complaint
71 that is on the official Town of Londonderry complaint form...and I request that my
72 testimony tonight be kept as part of the document of my complaint.”

73

74

NEW BUSINESS

75

76 Town Manager Malaguti gave an update on Freedom Energy and where we stood with
77 them. Malaguti stated that this is something that has been pending in front of the Town
78 Council and the Energy Committee for some time. Malaguti stated that in 2020, the town
79 signed an agreement with Freedom Energy, which was a consulting agreement that was
80 signed by the former Town Manager. Malaguti stated that this is an effort to allow
81 municipalities to save money on their own energy costs, but also for the resident’s energy
82 cost. Malaguti stated that there was a more recent presentation put on to the Council by a
83 group called Community Power Coalition, a non-profit group that includes a few
84 municipalities across the state and they are moving toward the same goal. Malaguti stated
85 that in January 2020 the town did go under contract with Freedom Energy, and there was
86 a discussion about the specifics in front of the Council. There is an agreement that’s inf
87 effect. Malaguti stated that he and Chairman Farrell met with Freedom to get their update
88 on the status. Malaguti stated that there is an ongoing process that’s taking place for the
89 Public Utilities Commission. Additionally, Freedom let the town know that they have bene
90 negotiating with our current supplier, Eversource, to access data that is needed to prepare
91 Londonderry’s municipal aggregation plan. Freedom Energy also indicated that their
92 administrative rules, expected soon, that will allow the release of this Eversource data to
93 Freedom, which is one of the last steps in the process, before finalization of an aggregation
94 plan that would allow Londonderry to move forward with the process. Malaguti stated that
95 Londonderry should continue to work under the existing consulting agreement. Malaguti
96 stated that Community Power Coalition is likely to offer higher rates because they will
97 have a much larger customer base across the state. Malaguti stated that Freedom offers a
98 more key-tone approach.

99

100 Malaguti stated that Freedom Energy made a request that at the time we went under
101 contract with Freedom, there was a municipal aggregation committee that was instituted
102 by the Town Council. The details on that are sketchy after some research that was done.
103 Malaguti stated that he hasn’t been able to locate the members or if it was definitively
104 formed. They do indicate in order to move forward and prepare a plan; the next step is for
105 the town to put together that committee by designating members who would sit on the
106 group. Malaguti stated that this is the update.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

107 Malaguti gave a review of the Waste Management Contract amendment. Malaguti stated
108 that Waste Management is our largest vendor and the Council gave approval to move
109 forward with the amendment. Malaguti stated that he now has the final language. The
110 document has been reviewed by Attorney Ramsdell. Malaguti stated that he is looking for
111 formal authority to move forward with the agreement. Motion to authorize the Town
112 Manager to execute the agreement made by Councilor Paul and seconded by Vice
113 Chairman Green. Chair votes 5-0-0.

114
115 Finance Director Justin Campo presented CAP, contribution assurance program for
116 property and liability from FY2024 through FY 2026. Campo stated that this is our
117 insurance company Primex that offers us 5% increase over the next three years. It's not
118 guaranteed to be 5%, but they will not increase it above 5%. So for th next three years for
119 property liability, the most it can increase is 5%. The Council gave consensus to move
120 forward.

121
122 The Council discussed the addition of the fiscal year 2024 calendar. Chairman Farrell asked
123 if a meeting can be added on the 14th or November, to follow-up on questions.

124

APPROVAL OF MINUTES

126

127 Motion to approve the Town Council minutes from September 12, 2022 by Councilor Franz,
128 and seconded by Vice Chairman Green. Chair votes 4-0-0. Councilor Paul stepped out.

129

OTHER BUSINESS

131

132 Town Manager Malaguti gave his Town Manager report. See attached.

133

ADJOURNMENT

135

136 Motion to adjourn made by Vice Chairman Green and second by Councilor Franz. Chair
137 votes 5-0-0.

138 Notes and Tapes by: Kirby Brown Date: 9/26/2022

139 Minutes Typed by: Kirby Brown Date: 9/29/2022

140 Approved by: Town Council Date: 10/03/2022



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Michael J. Malaguti • Town Manager
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mmalaguti@londonderrynh.org • (603) 432-1100 x151

Town Manager's Report – Month of September 2022

The purpose of this report is to update the Council and the public on my activities, and the activities of the Department Heads and their Staff, during the last reporting period. The following is a summary of notable updates:

1. ***Community Events and Contacts and other Noteworthy Events.***
 - Town officials conducted the 2022 Primary Election on September 13. The event went smoothly and, as always, there were lessons taken away that will assist us in preparing for the future. My thanks to the Town Moderator, Town Clerk, Police, Fire, and DPW Departments, the School District, their staffs, and all election workers for another successful election.
 - Interim Superintendent Dan Black and I emceed a bus tour of Londonderry for our most recent Leadership Londonderry class on September 15.
 - I attended a sendoff for Reed Clark put on by the Rotary on September 12.
 - I attended the 9/11 Memorial at Central Fire Station on September 11.
 - I attended the NHMA Policy Conference on September 23.

- I met with Recreation Director Art Psaledas and a community member to discuss tennis, pickle ball, and the need to invest more in the Town's recreational programs.
- I attended a Primex training for handling employee leaves of absence on September 22.
- I gave quotes and content to the Union Leader for an article on Woodmont Commons and similar mixed-use developments which ran on September 10.
- I had another productive meeting with Interim Superintendent Dan Black on September 26 to discuss many issues of mutual concern including school security and potential capital projects.
- I held a Department Heads Meeting on September 15.
- We had our first negotiation with the Londonderry Police Employees' Association over a revised collective bargaining agreement on September 13.

2. Town Hall Security. Town Hall staff will participate in an ALICE active shooter/threat training on October 7. Town Hall will be closed that morning to allow for full participation.

3. Lion's Hall Update. The building assessment is nearly complete and will be presented to the Town Council in October.

4. Lithia Springs. This transaction was approved by the Town Council at its last meeting. We will know in November whether grant funding has been secured to close on the transaction.

5. 35 Gilcreast Road. The Town continues to await the results of an appraisal on this property, which is expected in the next few weeks. At that point, we will begin negotiations over the release of the conservation easement authorized by the voters last March.

6. Personnel Changes. Tara Koza, formerly HR Administrator, was promoted to HR Manager. Cherie Fuller, formerly a Clerk's Assistant and Deputy Tax Collector, was promoted to Benefits Administrator. Norman Frink has joined LPD as a Patrol Officer and Kendra Cooley has joined LPD as a Telecommunications Operator. Nicholas Maher-Lewis was hired as a Library Technician.

7. Development Activity. The Planning Department and/or I had a number of discussions with developers interested in projects in Londonderry.

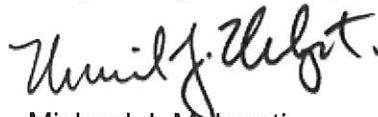
8. Right-to-Know Requests. The Town continues to respond to voluminous 91-A requests. I am in the process of responding to a request that generated 1,464 pages of potentially responsible information. While the Right-to-Know law serves important public interests, it can also be a burden on municipal staffing and resources. At the present time, I am the person primarily responsible for addressing these requests.

9. Looking Ahead. We have our next round of negotiations with the Londonderry Police Employees' Association on September 29. I am delivering a keynote presentation to the Greater Derry-Londonderry Chamber of Commerce on September 29 at their State of the Region event. The Town has an important meeting scheduled with DES this week to discuss PFAS contamination in Town. We hope to have updates for the community soon. The Finance Director and I are meeting with departments to begin the FY2024 budget process.

10. Read File. The following items are attached to this Report for general informational purposes:

- Freedom Energy Update
- 9/10/22 Union Leader Article (Woodmont Commons)
- Eversource "What you Need to Know about Energy Rates.."

Respectfully submitted,



Michael J. Malaguti
Town Manager