



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
August 29, 2022 – 6:00 P.M.
Moose Hill Council Chambers

A. CALL TO ORDER

B. NON-PUBLIC SESSION

RSA 91-A:3 II, (a) and (b) **to begin at 6:00 PM**

C. PUBLIC COMMENT

D. PUBLIC HEARING

E. NEW BUSINESS

1. Old Home Day Debrief
(*Michael Malaguti, Town Manager*)
2. Resolution # 2022-14: Updated Policy Against Harassment & Reporting Procedures
(**First Reading**)
(*Michael Malaguti, Town Manager*)

F. OLD BUSINESS

G. APPROVAL OF MINUTES

August 15, 2022 Town Council Minutes

H. APPOINTMENTS/REAPPOINTMENTS

I. OTHER BUSINESS

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

J. ADJOURNMENT

K. MEETING SCHEDULE

1. Town Council Meeting 09/12/2022
Moose Hill Council Chambers, 7:00 P.M.
2. Town Council Meeting 09/26/2022
Moose Hill Council Chambers, 7:00 P.M.

RESOLUTION #2022-14

A Resolution Relative to the Town of Londonderry POLICY AGAINST HARASSMENT AND REPORTING PROCEDURES

First Reading: 08/29/22

Hearing/Second Reading: xx/xx/22

Adopted: _____

WHEREAS on June 30, 1997, Londonderry adopted its Policy on Harassment & Reporting Procedures, later revised via Resolution #2012-12, and said Town Policy on Harassment & Reporting Procedures is codified as Title VI, Chapter V of the Town Municipal Code;

WHEREAS the State of New Hampshire added “gender identity” to the list of protected classes in 2018 via HB 1319 which was signed into law by Governor Sununu, and the Town’s reporting structure for harassment claims has also changed, thereby necessitating an update to the Town’s Policy on Harassment & Reporting Procedures; and

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

WHEREAS the revised Policy on Harassment & Reporting Procedures is attached hereto and shall replace Resolution #2012-12 as the new Title V, Chapter V, in 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 2022-14 is hereby adopted as **Title VI – Town Policy, Chapter V – Policy on Harassment & Reporting Procedures** 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)

Chapter V – POLICY AGAINST HARASSMENT & REPORTING PROCEDURES

SECTION I PURPOSE

The Town of Londonderry is committed to providing a work environment that is free of harassment based on sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, sexual orientation, gender identity and any other characteristic protected by applicable law. The Town recognizes the harmful effects of harassment and will not tolerate it.

SECTION II STATEMENT OF POLICY

The Town of Londonderry requires all employees to report violations of this policy. The Town Manager (or designee) will respond promptly to reports of harassment, and will take corrective and/or disciplinary action, as appropriate, in an effort to ensure that the goals of this policy are met. The Town will not tolerate any form of retaliation against any employee who reports harassment, or who participates in an investigation of a report of harassment.

SECTION III EXAMPLES OF PROHIBITED HARASSMENT

This policy prohibits offensive, intimidating, threatening, or otherwise unwelcome comments or conduct based on sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, gender identity or sexual orientation. Examples of prohibited conduct include, but are not limited to:

- A. Written or spoken disrespectful or derogatory terms about sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, or sexual orientation;
- B. Slurs and epithets;
- C. Unwelcome jokes;
- D. Insults;
- E. Threats of physical violence or harm to a person's property;
- F. Display or circulation of materials, items, or images that are disrespectful, degrading or disparaging to individuals or groups based on the characteristics listed above;
- G. Any other unwelcome conduct or comments directed at a person or group because of a particular protected characteristic (i.e. sex, race, age, etc.).

It is important to note that the types of conduct explained in this policy are prohibited regardless of the intent of the person(s) engaging in the conduct (i.e. to be intentionally offensive, a misguided attempt at humor, attempts at establishing a romantic relationship, etc.). Prohibited conduct includes conduct that is direct as well as indirect (e.g. overheard conversations, e-mail messages sent or forwarded by accident, etc.).

**Chapter V – POLICY AGAINST HARASSMENT & REPORTING PROCEDURES
(Cont'd.)**

SECTION IV SPECIFIC INFORMATION ABOUT SEXUAL HARASSMENT

The formal definition of sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, physical, and non-physical conduct of a sexual nature when:

- A. Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding favorable employment opportunity, evaluation or assistance; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creating an intimidating, hostile, or offensive work environment.

Less formally, the types of conduct prohibited by this policy cover a wide range of inappropriate behaviors including, but not limited to, the actual coercion of sexual relations, unwelcome comments, jokes, innuendoes, sexually suggestive materials, and other unwelcome sexually oriented actions.

While it is not possible to list all of the types of conduct that might violate this policy, the following are some examples:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, vulgarity;
- Written or oral references to sexual conduct;
- Gossip or other comments regarding an individual's sex life;
- Comments regarding an individual's body;
- Comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, electronic images;
- Leering, staring, whistling, grabbing, pinching;
- Sexual flirtation;
- Brushing against someone's body;
- Sexual gestures;
- Suggestive or insulting comments;
- Inquiries or comments about one's sexual experiences; and
- Discussion of one's sexual activities, ambitions or perceptions.

**Chapter V – POLICY AGAINST HARASSMENT & REPORTING PROCEDURES
(Cont’d.)**

SECTION V GENERAL PROVISIONS

A. **Individuals Covered by this Policy:** This policy applies to all employees of the Town of Londonderry at every level. This policy also prohibits harassment of or by non-employees (vendors, Board members, consultants, etc.) who come in contact with Town employees. This policy prohibits conduct whether it is directed at men by women, at women by men, at men by men, or at women by women, and regardless of whether the conduct occurs on or off the Town’s premises or during or outside of working hours.

B. **Mandatory Reporting Procedure:** Employees must report any conduct that violates this policy using the “Reporting Procedure for Discrimination, Harassment, and Retaliation” below (referred to as the “Reporting Procedure”). Do not assume that the Town is aware of the problem. Each employee has a responsibility to report harassment. It is only through the active involvement of all employees that the Town can prevent and correct harassment in the workplace.

Using the Town’s mandatory Reporting Procedure does not preclude an employee who has experienced conduct in violation of this policy from discussing the matter directly with the person(s) engaging in the offensive conduct. Employees who are offended by conduct are encouraged, but not required, to inform the person(s) engaging in the conduct of the unacceptable nature of the conduct in a professional, civil manner. This discussion may resolve the issue, but even if it is resolved the matter must still be reported through the Reporting Procedure.

C. **Consequences for Violating the Policy:** Violations of this policy, whether intended or not, will not be tolerated. Any employee who violates this policy will be subject to corrective and/or disciplinary action, up to and including termination of employment. Note that the Town may take corrective and/or disciplinary action to address inappropriate conduct even if it does not rise to the level of unlawful harassment.

D. **Retaliation will not be Tolerated:** The Town of Londonderry requires employees to report violations of this policy and will not tolerate any form of retaliation against an employee who makes a report or who participates in an investigation of a report under this policy. All incidents of retaliation must be immediately reported using the Reporting Procedure.

**Chapter V – POLICY AGAINST HARASSMENT & REPORTING PROCEDURES
(Cont’d.)**

SECTION VI REPORTING PROCEDURES

Any employee who has observed, been made aware of, or experienced conduct in violation of the Policy Against Harassment or any policy regarding diversity and equal employment opportunity (collectively referred to in this Reporting Procedure as the “Policies”) must follow this reporting procedure to notify the Town as follows:

- Notify the Department Head (or, if in the Police or Fire Departments, a member of the Command Staff, to include PD Lieutenants and above and FD Battalion Chiefs and above), and/or the Town Manager (or the Town Manager’s designee), and/or a member of the Human Resources Department of the conduct. An employee can report the matter to any (or more than one) of these individuals either orally or in writing.
- In the event that the report is about conduct engaged in by the Town Manager, the employee may also choose to make the report directly to the Chair of Town Council, and may do so orally or in writing.

A. Investigation: The Town will investigate reports made through this Reporting Procedure promptly and fairly. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may be conducted internally or, in appropriate circumstances, an outside investigator may be retained.

Investigations will typically include private interviews with the person filing the report, with witnesses, and with others as circumstances warrant. The person alleged to have violated the Policies will also typically be interviewed. Any employee asked to participate in an investigation is expected to cooperate fully and truthfully. When the investigation is complete, to the extent appropriate, the Town will inform the person filing the report and the person alleged to have violated the Policies of the results of that investigation.

B. Corrective/Disciplinary Action: Any employee who has violated the Policies or otherwise acted inappropriately will be subject to corrective and/or disciplinary action, up to and including immediate termination of employment.

C. Retaliation is Prohibited: Employees who make reports in good faith under this Reporting Procedure and/or participate in good faith in any investigation under this Reporting Procedure have the Town’s assurance that it will not tolerate any form of retaliation against them for their participation in the process. Any concerns regarding retaliation must be reported using the Reporting Procedure.

**Chapter V -SEXUAL HARASSMENT PREVENTION & REPORTING POLICY
(Cont'd.)**

ACKNOWLEDGMENT

I have received a copy of the Town of Londonderry's Policy Against Harassment and Reporting Procedure for Discrimination, Harassment, and Retaliation, and have read it or had it explained to me.

Employee's Printed Name

Employee's Signature

Date

LONDONDERRY TOWN COUNCIL MEETING MINUTES

Londonderry Town Council Meeting Minutes August 15, 2022

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

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

CALL TO ORDER

Chairman Farrell called the Town Council meeting to order at 7:00 PM. This was followed by the Pledge of Allegiance. This was followed by a moment of silence for all of those who serves us both here and abroad and all of our public safety and everyone stays safe during the upcoming Old Home Day event.

PUBLIC COMMENT

Christine Perez, 5 Lesley Drive, stated that she has had concerns about the information that was given to Town Council about the brow-outs and black-outs. Perez stated that she has done a lot of research and she would like to meet with the Town Council privately to discuss things she has found. Perez stated that she doesn't believe we have the information we are supposed to have. Chairman Farrell stated that under State law, there are only few things the Council can meet in non-public about. Chairman Farrell stated that she could meet with up to two. Perez stated that would be okay.

Katie Sullivan, Winding Pond Rd, thanked the volunteers who have helped out with Old Home Day. There are a wonderful group of volunteers. Everyone has come together and we hope everyone enjoys it.

PUBLIC HEARING

Motion to open public hearing made by Vice Chairman Green and seconded by Councilor

LONDONDERRY TOWN COUNCIL MEETING MINUTES

34 Franz. Chair votes 5-0-0. Chairman Farrell introduced the continuation of the Lithia Springs
35 Conservation transaction discussion.

36

37 Town Manager Michael Malaguti stated that there was a public hearing at the last meeting
38 with Mike Speltz, Conservation Commission, and himself presented to the Council the
39 details of the transaction. The town proposes to hold this parcel of land in Conservation.
40 The Council had some questions about value and how threatened the property is by
41 development. Malaguti reported the answers to the Council. Malaguti stated that it is 54
42 acres of land and it has 14 wet acres and 39 up acres and 17 acres of used land. The appraised
43 value is \$2,080,000.00. Malaguti stated that the sale prices of \$1.5M is a good deal.

44

45 Chairman Farrell read in a letter from resident Deanna Mele regarding Lithia Springs. See
46 attached as part of the record.

47

48 Councilor Paul stated that she thinks we can go after some of the water money if we cite
49 this as a secondary water source. Mike Speltz, 18 Sugarplum Lane, stated that the Grant
50 Councilor Paul is referring to is the one the Conservation Commission got when the town
51 purchased the piece of Mack's Apples behind the building. The Groundwater Trust Fund.
52 That program wouldn't accept the application because it's limited to the lands that have a
53 source of water on them. Speltz said that they have applied for a \$500,000.00 Grant from
54 the Land and Community Investment Program, and another \$500,000.00 from the Aquatic
55 Resource Mitigation Program and those are the two that are very appealing.

56

57 Christine Perez, 5 Lesley Drive, stated that we are in a recession and the town shouldn't be
58 putting out any money, if anything, for Conservation land. Save it for pressing issues and
59 the taxpayers. Vice Chairman Green stated that this money is set aside for Conservation use
60 only.

61

62 Ray Breslin, 3 Gary Drive, stated that he is for this. We need to look at all potential water
63 sources.

64

65 The Council discussed the land and some options. The Council stated that they would like
66 to see the detailed appraisal. The Council

67

68 Vice Chairman Green motioned to continue the discussion. Seconded by Councilor Franz.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

69 Chair votes 5-0-0.

70

71 Chairman Farrell introduced Resolution #2022-15, the acceptance of unanticipated revenue
72 RSA 31:95-b, III(a), for a highway block grant in the amount of \$530,316.91 and municipal
73 bridge funding in the amount of \$397,786.00. Finance Director Justin Campo presented.

74

75 Councilor Paul asked what bridges need to be repaired in town. Director of Engineering and
76 Environmental Services, John Trottier, discussed the two bridges that are deemed “red
77 bridges” because they’re unsafe.

78

79 Motion to approve Resolution #2022-15 made by Vice Chairman Green and seconded by
80 Councilor Butler. Chair votes 5-0-0.

81

82 Motion to close the public hearing made by Vice Chairman Green and seconded by
83 Councilor Franz. Chair votes 5-0-0.

84

85 NEW BUSINESS

86

87 Chairman Farrell read in the resignation of Assistant Town Manager Lisa Drabik from the
88 CART Board of Directors, and the appointment of Ilona Arndt to the board. Motion to
89 accept the resignation made by Vice Chairman Green and seconded by Councilor Franz.
90 Chair votes 5-0-0.

91

92 Director of Engineering and Environmental Services, John Trottier, gave the Council a
93 briefing on the road and pavement plan, managements and practices. Trottier stated that
94 there are two accounts for the money for the work, Roadway Maintenance Line Item and
95 the Roadway Maintenance Trust Fund. Trottier summarized how they approach what road
96 issues they tackle.

97

98 Chairman Farrell invited up Jonathan Kipp, Town Moderator, do discuss the designation of
99 preferred are for electioneering at elections. The Council discussed places for handicap
100 access and corals, and the safety aspect of it.

101

102 Town Manager Malaguti discussed the Waste Management contract an increase in the trash

LONDONDERRY TOWN COUNCIL MEETING MINUTES

103 and recycling contract. Due to the unforeseen market conditions, at the time the contract
104 was initiated in 2016, Waste Management is requesting an increase of 13%. Malaguti read
105 into the record a letter. Malaguti stated reasons why their cost could have gone up and the
106 town asked for data to prove it has gone up. Malaguti stated that the legal issue could go
107 either way but Londonderry should focus on the long-term interest of the town. The trash
108 has to get picked up. Malaguti stated that the proposal is set forth in the Councils materials.
109 Malaguti stated we are into FY23 budget and have not budgeted for an increase. Malaguti
110 suggested that increases should be phased in over the course of the contract. What is being
111 proposed it a .5% increase in FY23, a 6.5% increase in FY24, and 2% in FY56, and a 1%
112 in FY26. Malaguti stated that this is a \$568,000.00 over the course of the contract.

113
114 Director of Engineering and Environmental Services, John Trottier, and Environmental
115 Engineer Bob Kerry, went over the options and facts with the Council. Kerry stated that
116 there are 18,000 carts distributed throughout the town. Approximately 315 collections take
117 place every week.

118
119 Councilor Paul asked if there were other options for getting rid of specific trash and stated
120 that Derry does something similar to dumpster diving where ones mans trash si another
121 mans treasure. Kerry stated that it wouldn't be possible due to the safety because we don't
122 have the room and the town doesn't want the liability. The traffic needs to get in and out as
123 soon as possible.

124
125 Finance Director Justin Campo stated that the 13% was knocked down to 10% over the next
126 few years and that is the best deal. Chairman Farrell stated that the Council will wait to see
127 what they come back with.

128
129 Director of Public Works and Municipal Facilities Dave Wholley gave the Council an
130 update on the refreshed DPW website. Wholley stated that pertinent information is out there.
131 Wholley thanked Tom and Doug from IT and Donna and Denise from the office. Wholley
132 encouraged everyone to check out the new site.

133
134 Chairman Farrell introduced Order #2022-15, an Order relative to the expenditure of
135 Maintenance Trust Fund for various projects. This is for the compressor on the A/C unit at
136 the fire department. Motion to approve Order #2022-15 made by Vice Chairman Green and
137 seconded by Councilor Franz. Chair votes 5-0-0.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

138 Chairman Farrell stated that the Council will be tabling item number five, Resolution #2022-
139 14, updated policy against harassment and reporting procedures.

140

141

OLD BUSINESS

142

143 Town Manager Malaguti gave an update on the strategic goals in consultation with
144 Department Heads. Malaguti stated that right now pieces are being moved around now that
145 Assistant Town Manager Drabik is leaving. Malaguti stated that this discussion will be best
146 had when we return to the strategic goals.

147

148 Deputy Chief Kim Bernard gave a brief overview of the handling of animal control calls.
149 Chief Bernard stated that on the July 11th meeting there were a couple residents complain
150 about the service not being good. Chief Bernard stated that he did follow-up with Animal
151 Control Officer Dave carver about one complaint. Chief Bernard stated that she couldn't
152 find a call from her. Chief Bernard stated ACO Bennett left in 2020 and ACO Carver didn't
153 start until August of 2020. Back then, animal control officer was dealing with hundreds of
154 calls. Carver is now part-time and he has handled hundreds of calls by himself. Chief
155 Bernard went over the process of how calls are handled. Chief Bernard stated that he won't
156 be coming back for more ACO staff and the department will manage with what they have.

157

158 Steve Hamilton, Londonderry Assessor, gave a Forest Hills abatement update to the
159 Council. Hamilton went over the differences in values at each of the properties, including
160 garage space. Hamilton

161

162 Finance Director Justin Campo and Town Manager Malaguti discussed processing of tax
163 payments. Campo stated that the town issues 10,671 tax bills in June, with a due date of
164 July 6th. That is not the only thing Clerks do during the timeframe. Campo discussed the
165 process of collecting and where the money goes once its collected.

166

167

APPROVAL OF MINUTES

168

169 Motion to approve the Town Council minutes from July 11, 2022 as amended made by Vice
170 Chairman Green and seconded by Councilor Franz. Chair votes 5-0-0.

171

LONDONDERRY TOWN COUNCIL MEETING MINUTES

172

APPOINTMENTS/REAPPOINTMENTS

173

174 Chairman Farrell asked for a motion to appoint Brian Battaglia as a full-time member, 4-
175 year term on SNHPC and Jeff Penta as an alternate member, 1-year term. Motion to appoint
176 made by Vice Chairman Green and seconded by Councilor Butler. Chair votes 5-0-0.

177

178 Malaguti stated that at the last meeting, Lee Jeffers was appointed as a full-time member on
179 the Heritage Commission. Motion to amend the prior motion from July 11th to appoint Lee
180 Jeffers as an Alternate Member instead made by Vice Chairman Green and seconded by
181 Councilor Franz. Chair votes 5-0-0.

182

183 Malaguti gave an update to the Council on the drought status and stated we are in severe
184 drought status. The Council motioned to put into place level 2 drought restrictions.

185

186

ADJOURNMENT

187

188 Chairman Farrell gave an overview of Old Home Day.

189

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

192

193 Notes and Tapes by: Kirby Brown Date: 8/15/2022

194 Minutes Typed by: Kirby Brown Date: 8/20/2022

195 Approved by: Town Council Date: 8/29/2022

August 14, 2022

John Farrell
Hardanderry Town Council
Chairman
Hardanderry NH, 03053

Dear John

Please read my letter
at the August 15th Council
meeting

I've included info from
the assessing department and
information obtained at the beach
Library about Lithium Springs history.

I don't expect you will read it
all but maybe mention briefly
what they show.

My main concern is that my
letter be read.

Thank you
Deanna Mele
8 Valley Street
Hardanderry, NH

50 year resident

1
July 21, 2022 Article
"Hearing on Purchase of
Lithia Springs Property continued"

This was continued at the July
11th, Town Council meeting
- Mike Malagutti, Town Manager
remarks as follows:

- ① Town is looking to acquiring 54
acres of land along Nasdaq Rd - towards
the Hudson line
- ② It use to be home of the Lithium
Springs Water Company & since long
gone
- ③ Needed to go before Conservation
Commission for \$1.5 million - It did.
- ④ Town Council approval was needed
- ⑤ The appraisal amount needed to
be no less than the cost of the
purchase agreement.
- ⑥ They have a safe guard - if can't
find the funds then they can back
out of the agreement.
- ⑦ The Conservation Commission
currently has around \$750,000 in their
land acquisition fund and hoping

- ⑧ To increase that amount
 Hopeful that they will be
able to be awarded different
grants that they applied for or will
 be applying for in order to purchase
 the property.

Mike Speets gave a lengthy
 presentation. He stated

① It would help to protect their
drinking water and help to protect
wild life

② The property has a long history in
 Londonderry. Can be obtained at local library /

John Wilson said he doesn't
 think it is a great investment to
 buy properties that have wet lands
 and can't be developed because
 they are already protected. The
 State will protect it.

John Farrell, chairman Town
 Council, asked they have a GIS
 calculation done to determine what
 is buildable and what isn't.

He was told they could not obtain
 GIS calculation.

It was also stated on July 11th

19 apartments could be built.
There why hasn't this been done
all these years past. Could it be
problems with the property - wet & dry?
I was also told under current
use left as it is the Conservation
Commission would have an
easement.

If interested property ID is
002-022-0 location 274 Nohua Rd

When Mike Malagutti was asked
the deadline he stated August 31st

We learned about this July 11th
Council meeting. Seems we are expected
to make a decision on assumptions --
grants, funds

Deanna Mele