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
September 12, 2022 – 7:00 P.M.
Moose Hill Council Chambers

A. CALL TO ORDER

B. PUBLIC COMMENT

C. PUBLIC HEARING

1. Resolution # 2022-14: Updated Policy Against Harassment & Reporting Procedures
   (Michael Malaguti, Town Manager)

2. Lithia Springs Conservation Transaction (Continued from 8/15 and 8/29)
   (Michael Malaguti, Town Manager)

3. Resolution #2022-15 - Acceptance of Bodwell Waste Services Corporation Sewer Infrastructure (RSA 31:95-e)
   (Michael Malaguti, Town Manager)

D. NEW BUSINESS

1. Review of Upgrade Options for intersection of Route 28 and Stonehenge Drive
   (Michael Malaguti, Town Manager; John Trottier, Director of Engineering & Environmental Services)

2. Update on Reorganization of HR Department
   (Michael Malaguti, Town Manager)

E. OLD BUSINESS

1. Continued Discussion on Waste Management Cost Increases
(Michael Malaguti, Town Manager; Justin Campo, Finance Director; Bob Kerry, Environmental Engineer; John Trottier, Director of Engineering & Environmental Services)

F. APPROVAL OF MINUTES

August 29, 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 09/26/2022
   Moose Hill Council Chambers, 7:00 P.M.
2. Town Council Meeting 10/3/2022
   Moose Hill Council Chambers, 7:00 P.M.

LEGAL NOTICE

The Londonderry Town Council will hold PUBLIC HEARINGS on the following two items:

Resolution #2022-14 – Updated Policy Against Harassment & Reporting Procedures

The Lithia Springs Conservation Transaction

The public hearings will occur on Monday, September 12, 2022 at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053.

Londonderry Town Council

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: 09/12/22
Adopted: 09/12/22

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: 09/12/22

_____
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 Departmentof 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.

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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

~~End of Chapter~~

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

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_____
_Employee's Printed Name

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Employee's Signature_____ _____Date

~~End of Chapter~~

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~~**— End of Chapter —**~~

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LEGAL NOTICE

The Londonderry Town Council will hold a PUBLIC HEARING on the following item:

Acceptance of Donated Personal Property Per RSA 31:95-e
Sewer Infrastructure Donated by Bodwell Waste Services Corporation

The public hearing will occur on Monday, September 12, 2022 at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053.

Londonderry Town Council

RESOLUTION 2022-15

A Resolution Relative to the

Acceptance of Personal Property Under RSA 31:95-e

First Reading: 09/12/2022
Second Reading: Waived
Adopted: 09/12/2022

WHEREAS the Town of Londonderry wishes to accept the transfer of certain sewer infrastructure from Bodwell Waste Services Corporation, as set forth in a Memorandum of Understanding signed by the Town on August 18, 2022 (the "Infrastructure"); and,

WHEREAS RSA 31:95-e permits the Town Council to accept gifts of personal property, other than money, which may be offered to the Town for any public purpose; and,

WHEREAS the Town has complied with the provisions of RSA 31:95-e.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Infrastructure is hereby accepted.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:09/12/2022

Londonderry 41715
Public Informational Meeting

Londonderry Town Hall

September 1, 2022

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

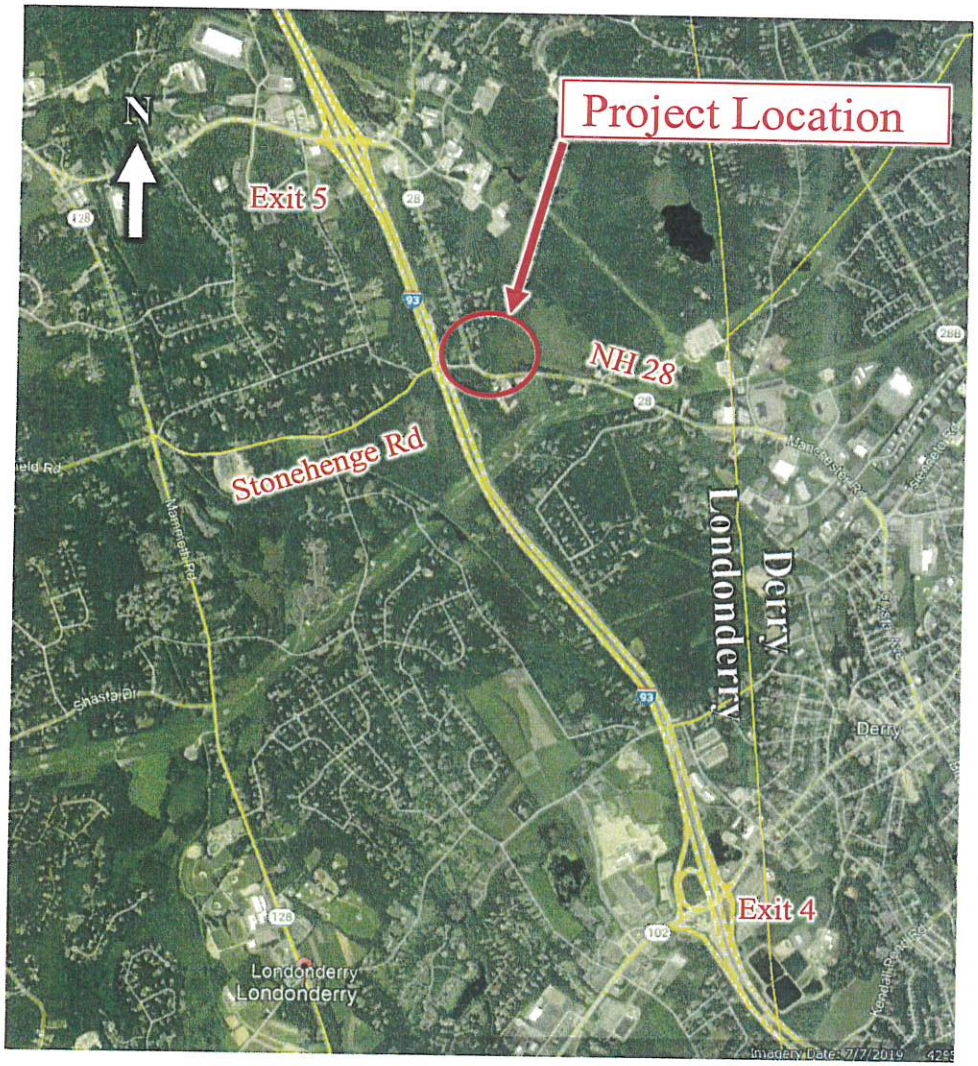
Agenda & Purpose of Meeting

- Introductions
- Project Location & History
- Purpose & Need
- Project Status
- Design Considerations
- Existing Conditions & Intersection Deficiencies
- Alternatives
- Resources & Impacts
- Alternatives Considerations & Rating Criteria
- Budget & Schedule
- Solicit Feedback From Community

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Project Location & History



NH 28 (Rockingham Road) at Stonehenge Road – Londonderry. NH

- 1 mile south of I-93 Exit 5
- Improves approx. 2,000 LF of NH 28 and 500 LF of Stonehenge
- Rockingham Road Dates Back to the 1730s
- Reconstructed in 1919, later realigned in 1931 in current alignment
- Stonehenge Rd Right Turn lane added in 2018 by developer

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Project Location & History

- March 2017 – Recommended to the 2017-2019 Ten Year Plan
- July 2018 – Approved in the 2019-2028 Ten Year Plan (with a 50% Town match)
- December 2019 – Project Funding Municipal Agreement between the Town and NHDOT (50% Town/50% Fed Funds)
- October 2020 – Town Council Meeting Initial Project Review
- Alternatives Analysis & Data Collection
  - Environmental Coordination & Field Collection – Fall 2021 to Summer 2022
  - NHDOT Natural Resource Agency Meeting – March, 2022
  - Project Updates w/ Town Staff – February & May, 2022

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Purpose & Need

The purpose of the project is to improve the NH Route 28 and Stonehenge intersection operations and address safety. The intersection improvements, which were identified by the Town of Londonderry during a development proposal, are needed to address the following issues:

- ***Level of Service;*** *currently, Stonehenge Road drivers experience long delays during the peak hours resulting in a very poor level of service. Due to the delays, drivers enter NH 28 with insufficient gaps between vehicles creating safety concerns.*
- ***Intersection Control;*** *the existing traffic volumes currently meet volumes that would justify traffic signal installation per FHWA's Manual of Uniform Traffic Control Devices.*
- ***Safety;*** *the intersection experiences higher number of accidents within the corridor, approximately 50, as reported between 2010 and 2019.*

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

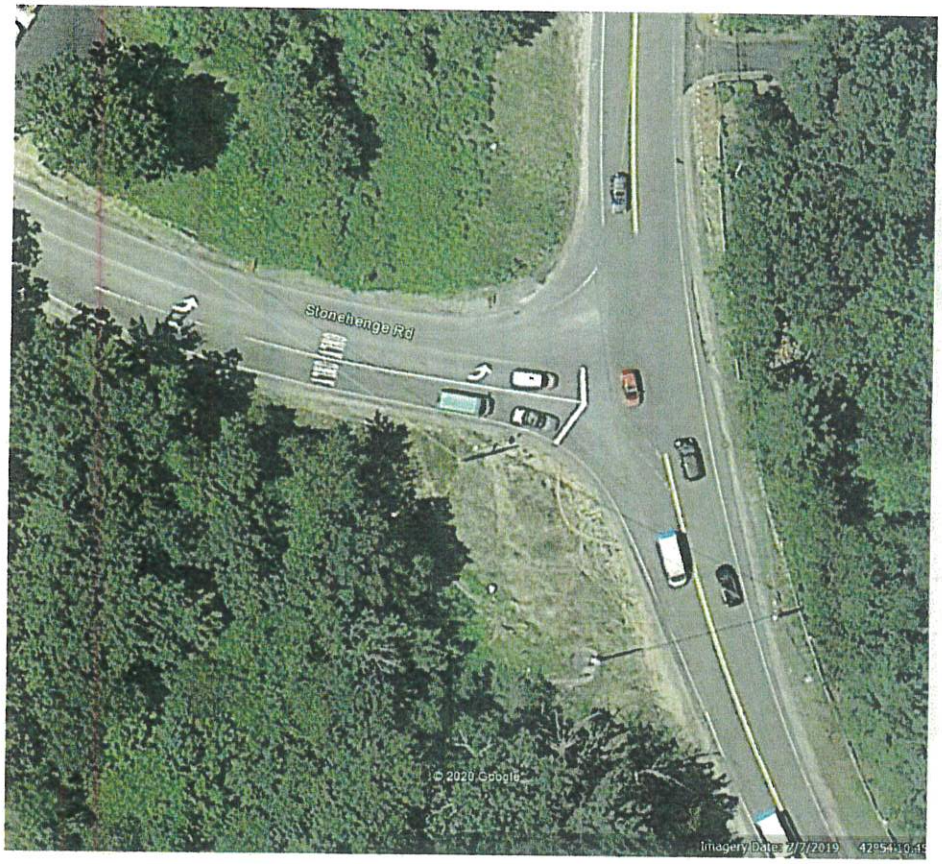
Project Development Process

- Preliminary Design:
  - Data Collection
  - Engineering Analysis
  - Develop Alternatives
  - **Present for Public Input & Select Alternative** We are Here
  - Public Hearing
- Final Design:
  - Final Engineering and Project Details
  - Environmental Permitting
  - Acquisition of property rights

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Design Considerations



- Town & RPC Proposal
- Traffic Growth & Exit 4A Expectations
- NHDOT Standard Practice to review roundabouts at proposed signal locations
- Access & Right-of-Way
- Active Transportation (Bicycles & Pedestrians)
- Environmental Concerns
- Drainage
- Utilities
- Construction & Traffic Control
- Costs

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Existing Conditions

NH 28 Roadway

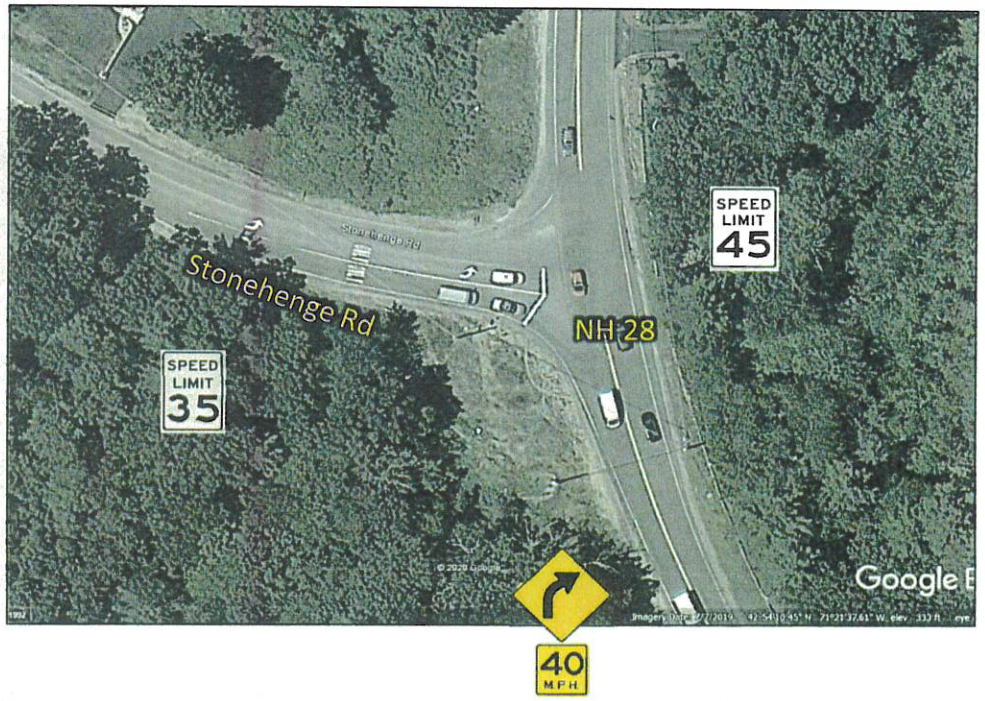
- 45 MPH Posted Speed
- Sharper Horizontal Curve (40 MPH Advisory Speed)
- 16'± Wide NB Lane, 12' SB Lane
- 4' Shoulders

Stonehenge Roadway

- 35 MPH Posted Speed
- 11' lanes, 2' Shoulder
- 12' RT Turn Lane

Traffic

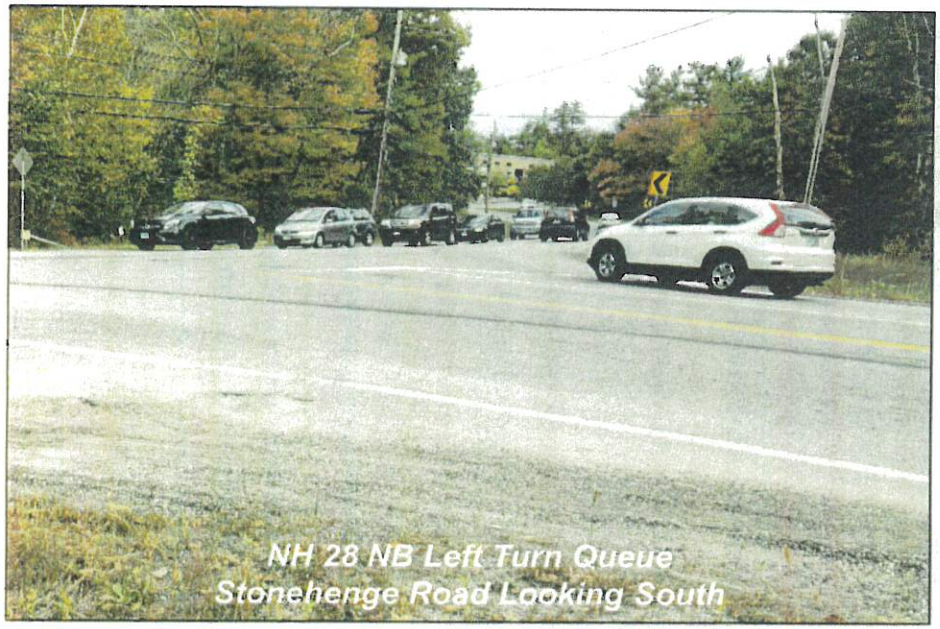
- NH 28 NB/SB (2020)
  - 17,900 AADT
- Stonehenge Rd
  - 6,000 AADT (approximate)



Town of Londonderry NEW HAMPSHIRE Est. 1722

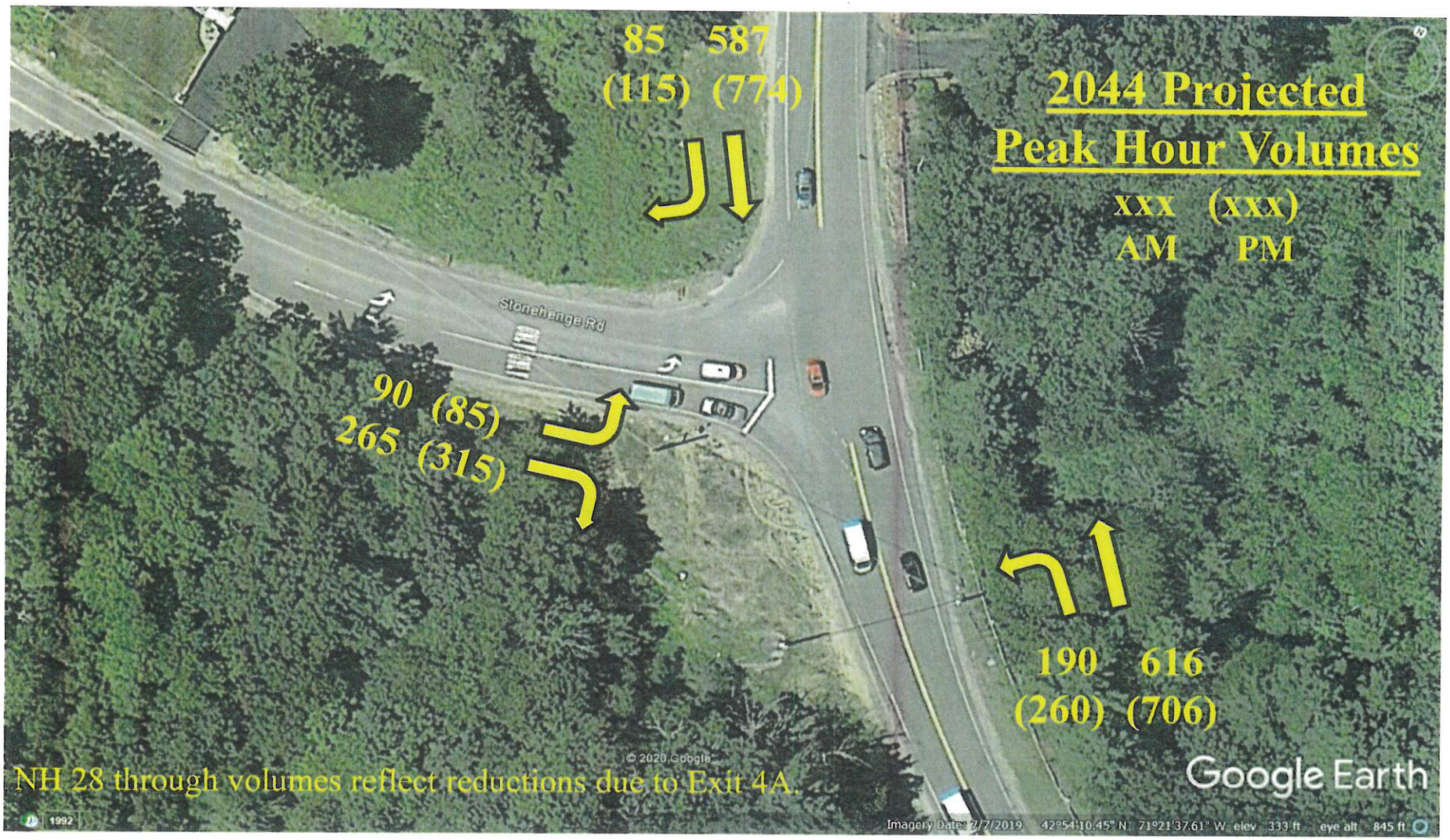
New Hampshire DOT Department of Transportation

Intersection Deficiencies



- Stonehenge Road Delays
  - Vehicles turning onto NH 28 can experience long delays during peak traffic hours
- Crash History (2010-2019)
  - Nearly 50 Crashes in 10-year Study Period
  - Most Crashes Intersection Related (Rear-ends, Right Angle, Side swipes)
  - Roadway Departures & Head on Collision due to Geometry

Alternatives - Traffic



NH 28 through volumes reflect reductions due to Exit 4A.

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Alternatives

1. No Build (do nothing)
2. Signalized Intersection
3. Roundabout

Intersection Level of Service

Stop control and Roundabout Level of Service Criteria

Control Delay Per Vehicle (s)	LOS
≤10	A
10 to 15	B
15 to 25	C
25 to 35	D
35 to 50	E
>50	F

Source: Synchro Studio 11 User Guide

Signalized Intersection Level of Service Criteria

Control Delay Per Vehicle (s)	LOS
≤10	A
10 to 20	B
20 to 35	C
35 to 55	D
55 to 80	E
>80	F

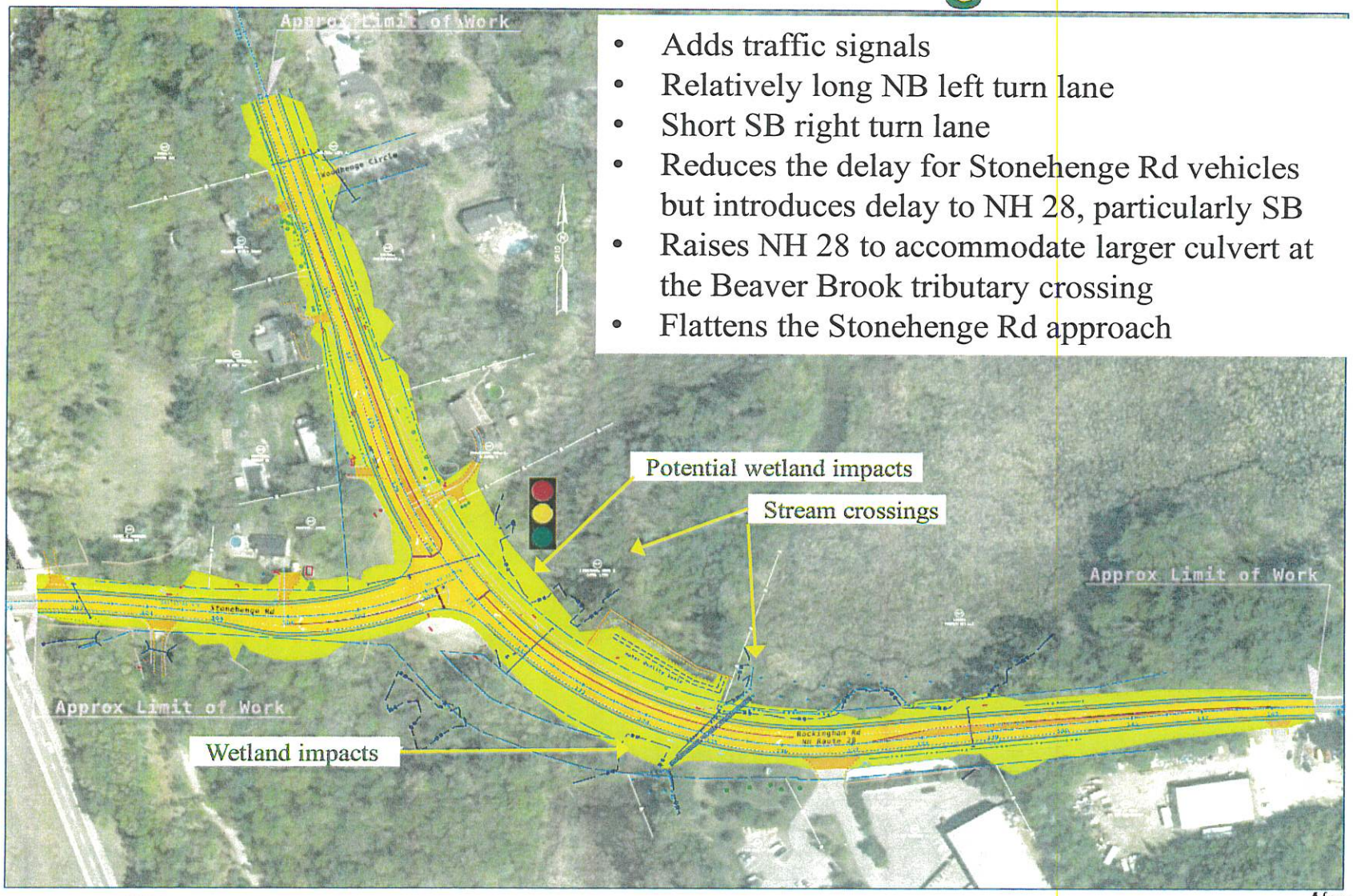
Source: Synchro Studio 11 User Guide

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Alternatives – Traffic Signal

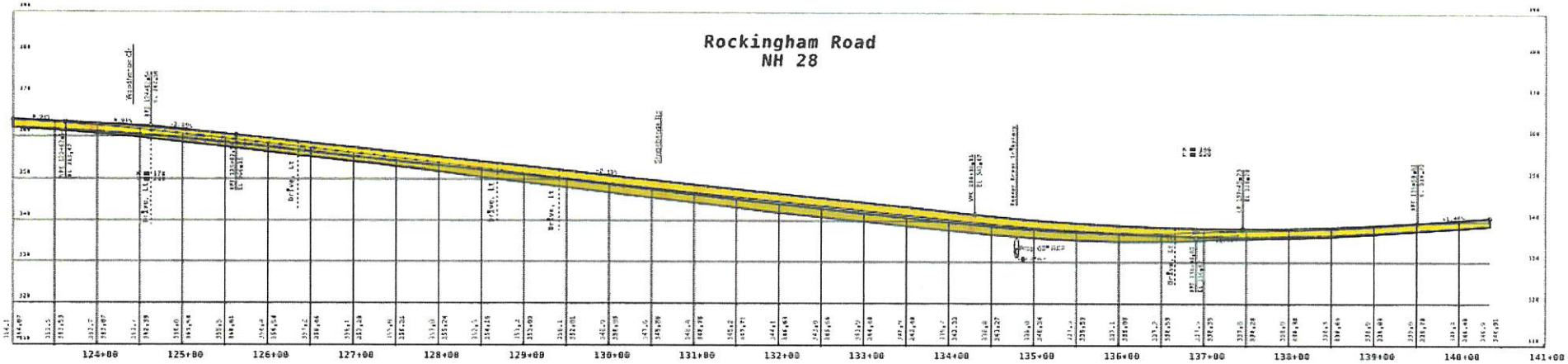
- Adds traffic signals
- Relatively long NB left turn lane
- Short SB right turn lane
- Reduces the delay for Stonehenge Rd vehicles but introduces delay to NH 28, particularly SB
- Raises NH 28 to accommodate larger culvert at the Beaver Brook tributary crossing
- Flattens the Stonehenge Rd approach

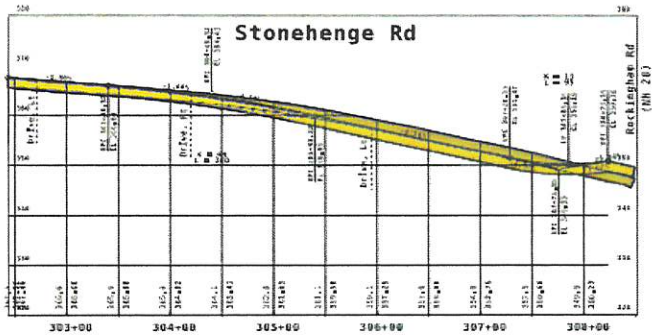


Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Alternatives – Traffic Signal





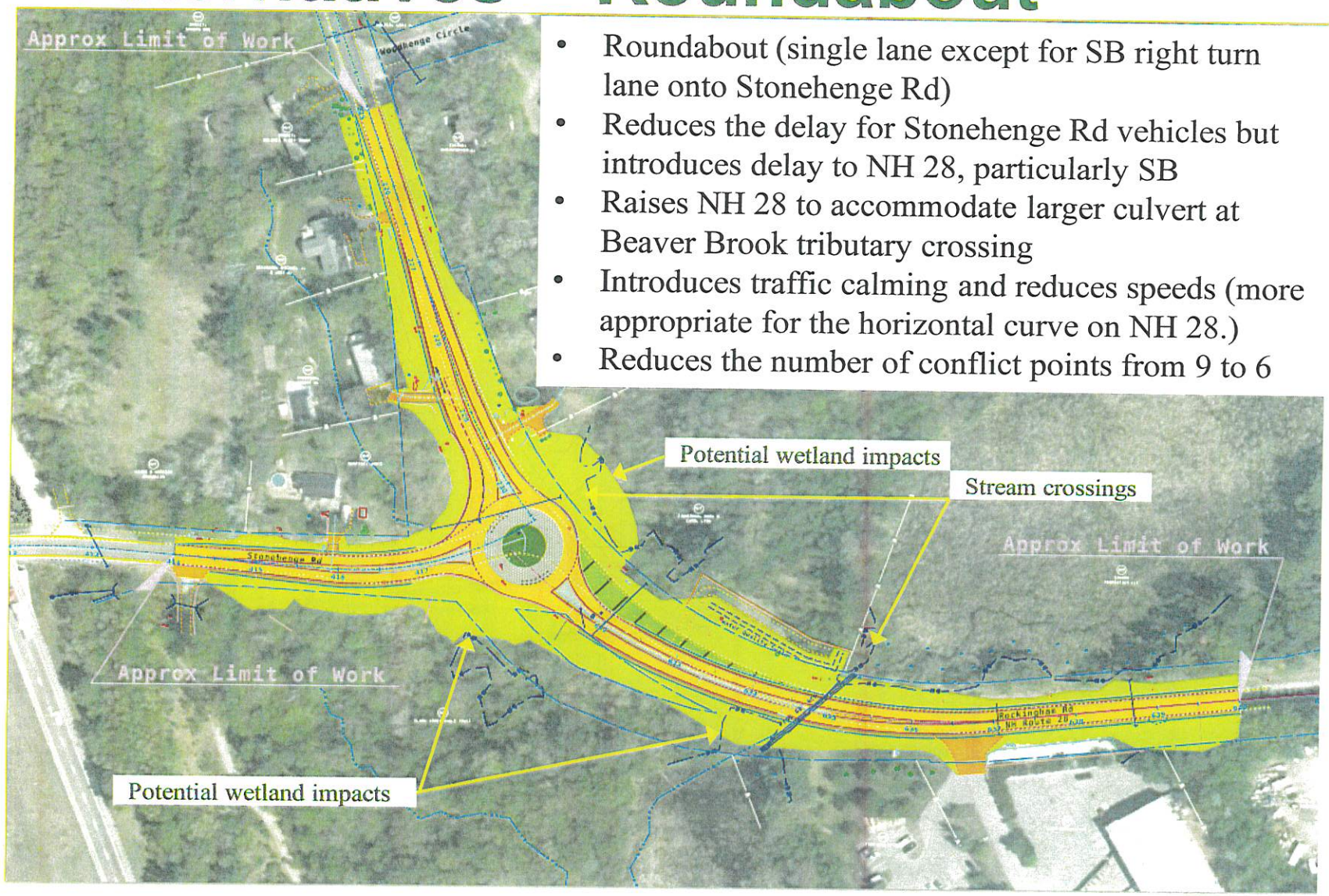
41715 Londonderry
Intersection Improvements
Stonehenge Rd and Rockingham Rd (NH 28)
Signal Option

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Alternatives – Roundabout

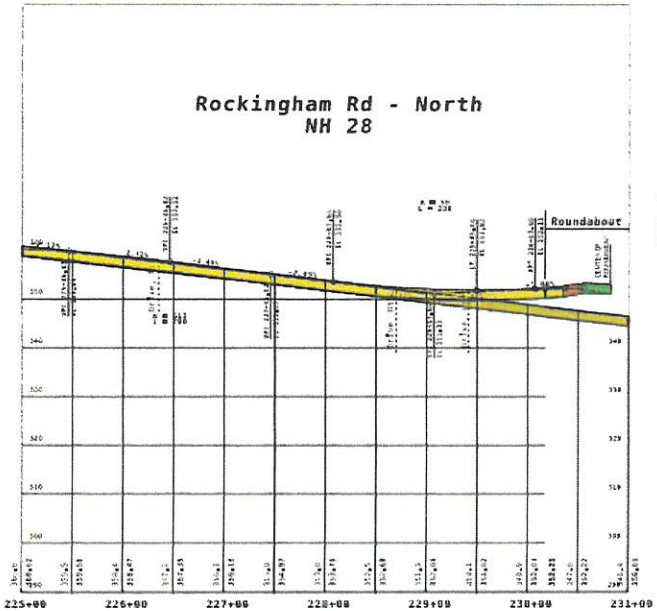
- Roundabout (single lane except for SB right turn lane onto Stonehenge Rd)
- Reduces the delay for Stonehenge Rd vehicles but introduces delay to NH 28, particularly SB
- Raises NH 28 to accommodate larger culvert at Beaver Brook tributary crossing
- Introduces traffic calming and reduces speeds (more appropriate for the horizontal curve on NH 28.)
- Reduces the number of conflict points from 9 to 6

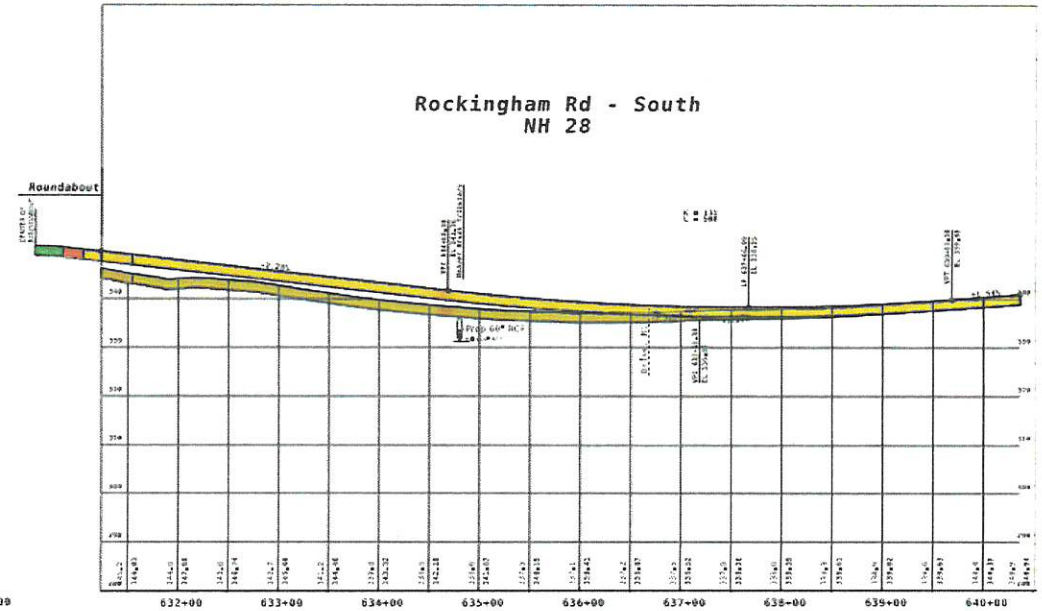


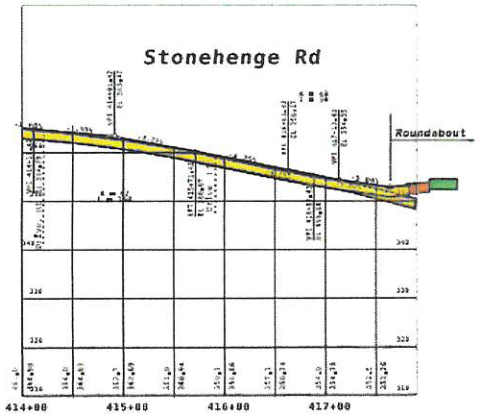
Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Alternatives - Roundabout







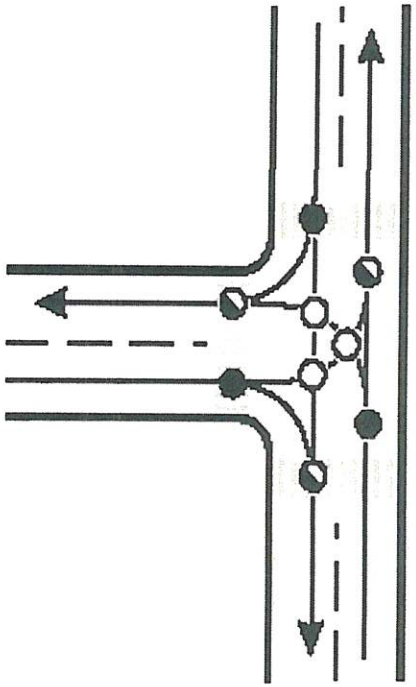
41715 Londonderry
Intersection Improvements
Stonehenge Rd and Rockingham Rd (NH 28)
Roundabout Option

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Conflict Points

Conventional T - Intersection



FHWA-HRT-08-051

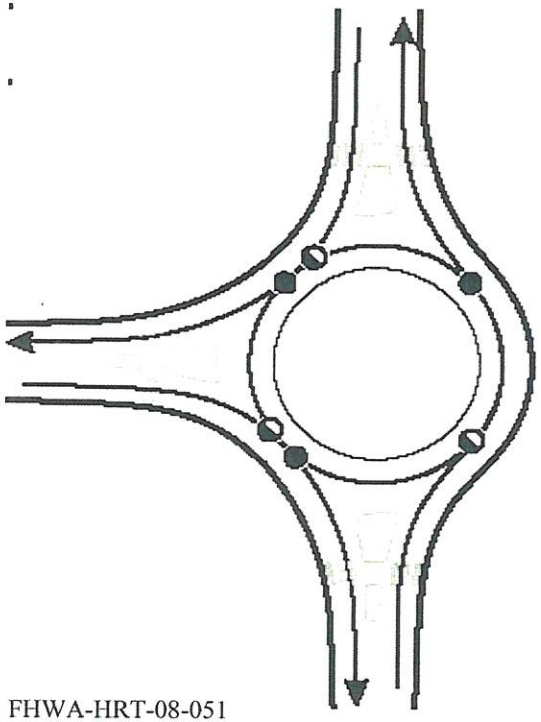
9 conflict points, 3 of which are the most dangerous crossing conflicts

Diverging

Merging

Crossing

Conventional Three leg Roundabout

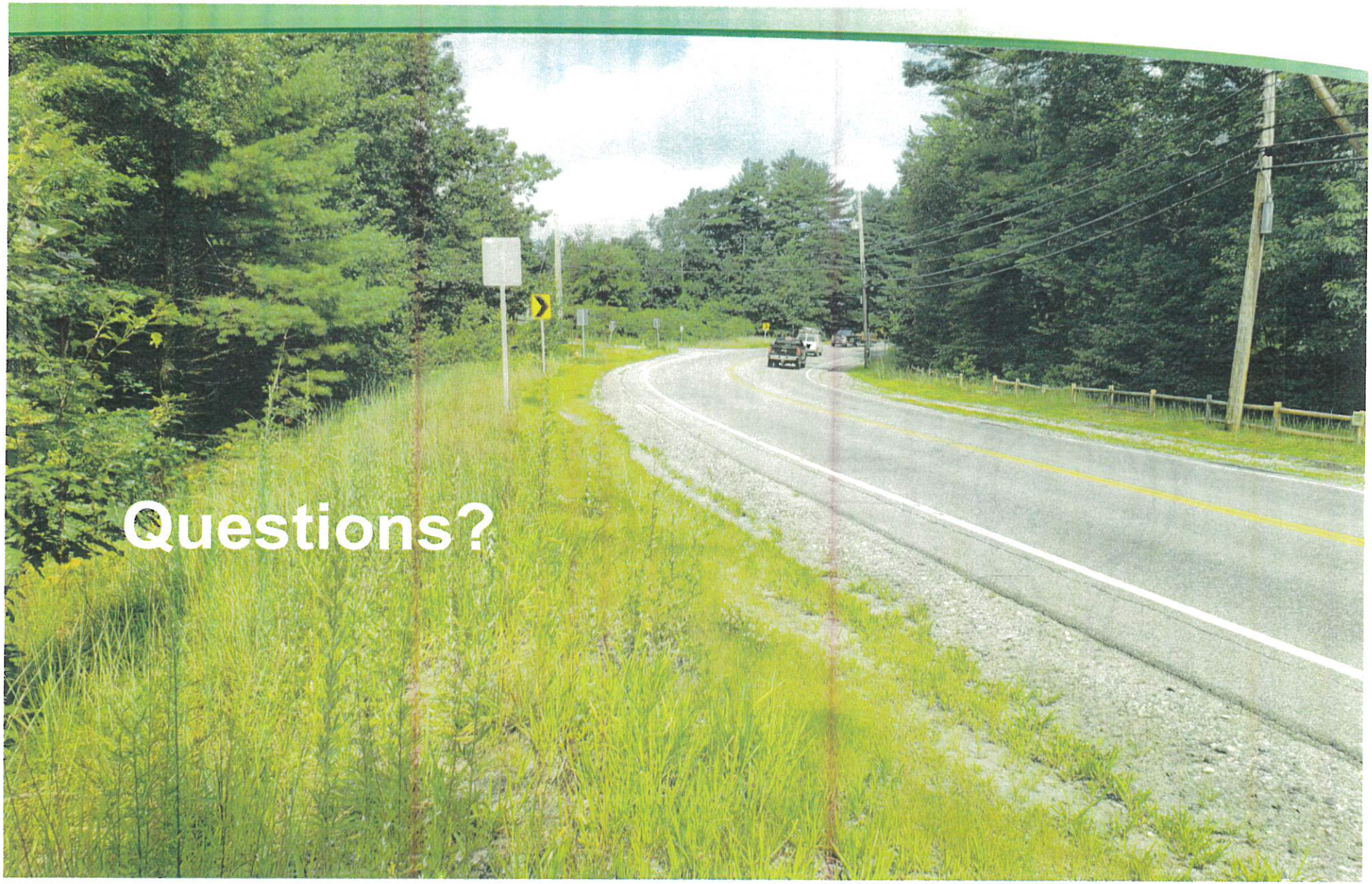


FHWA-HRT-08-051

6 conflict points, with none of the most dangerous crossing conflicts

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation



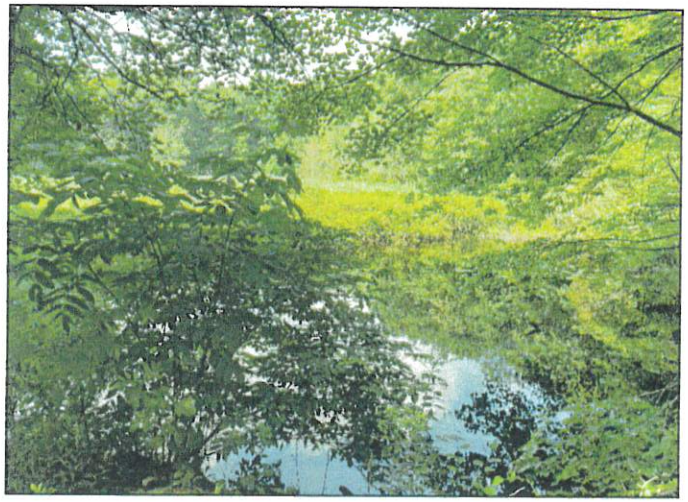
Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Resources & Impacts

Natural Resources

- Wetland Impacts Anticipated
- 2 Stream Crossings require permitting, require pipe upsizing or alternative design approvals
- No Vernal Pools
- Floodplains (Zone AE w/base flood elevations)
- No Essential Fish Habitat
- Within MS4 Community
- Total Impacts > 100,000 SF requiring treatment swale for Alteration of Terrain compliance
- **Requires NHDES & ACOE Permits & Approval for wetland/surface water impacts**



Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Resources & Impacts- Rare Species

Federal Listed Species:

- Northern Long-eared Bat
  - No TOY Restriction for Clearing Planned

State Listed Species:

- Wetland grass species (survey TBC per NHB)
- Turtle, salamander, snake & fish species

NHF&G Recommendations

- Turtles
- Snakes
- Review staging areas and do not disturb any T&E species sighted
- Catch basins
- Culverts
- Wildlife friendly erosion control

Keith Shannon/USFWS

SEEKING REPORTS OF RARE TURTLES

The NH Fish & Game Department is collecting observations of four turtle species:

Blanding's turtle (state endangered)

- Large, dark/black domed shell with lighter speckles
- Distinct yellow throat/chin
- Aquatic but often moves on land

Wood turtle (special concern)

- Sculpted, pyramidal brownish shell
- Orange around neck and limbs
- River/stream turtle spending many months on land

Eastern box turtle (state endangered)

- Small terrestrial turtle with highly domed shell
- Irregular yellow or orange

Town of Londonderry NEW HAMPSHIRE Est. 1722

Resources & Impacts

Cultural Resources

- Request for Project Review Completed & Response from NHDHR Received
- Phase IA & IB Archeological Study Recommended & Completed
  - Avoid Impacts to original roadway and one cellar hole in the project area
  - No additional survey work for 'below ground'
- Stonewall Inventory in Fall 2022
- One Residence >50 Y.O. Where Survey is Intended
- Southwest of the intersection was formerly connected to the Reed Paige Clark Homestead
- Cultural Resource Agencies Coordination Meeting with NHDHR Planned Fall 2022

Project Area on 1892 Hurd Map

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Resources & Impacts

National Historic Preservation Act Section 106 – Consulting Parties

Interested persons or organizations may request **Consulting Party** status from FHWA:

Jamie Sikora
Environmental Program Manager
Federal Highway Administration
NH Division Office
53 Pleasant Street, Suite 200
Concord, NH 03301
Jamie.Sikora@fhwa.dot.gov

SECTION 106
CONSULTING PARTY
PROCESS
IN NEW HAMPSHIRE

In the National Historic Preservation Act (NHPA), Congress established a comprehensive program to preserve the historical and cultural foundations of the Nation as a living part of community life. Section 106 of NHPA is crucial to that program, because it requires consideration of historic preservation in the multitude of Federal actions that take place nationwide and throughout New Hampshire.

Section 106 requires Federal agencies to consider the effects of their actions on historic properties and provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on Federal projects prior to implementation.

For more information on how you can become a consulting party contact:

Jamie Sikora
Environmental Program Manager
Federal Highway Administration
NH Division Office
53 Pleasant Street, Suite 2200
Concord, NH 03301
Jamie.Sikora@fhwa.dot.gov

- Explore alternatives to avoid or reduce harm to historic properties;
- Determine how historic properties might be affected; and
- Reach agreement with the State Historic Preservation Officer (SHPO)/tribe (and the ACHP in some cases) on measures to deal with any adverse effects.

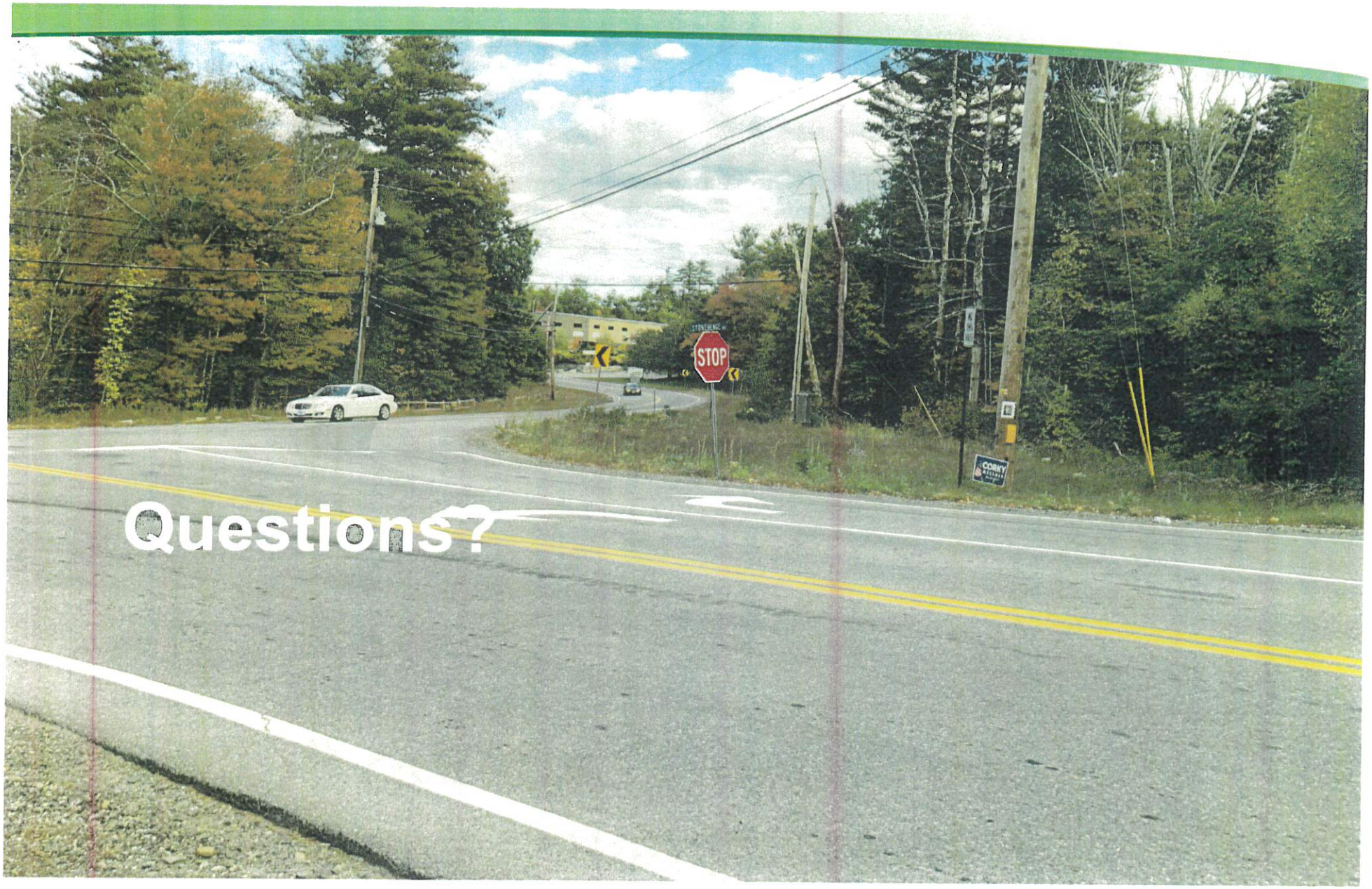
regularly scheduled bi-monthly Cultural Resource Agency Coordination Meetings.

The Federal Highway Administration will consider requests and decide who meets the criteria to become a consulting party.

Consulting parties are entitled to share your views, receive and review pertinent information, offer ideas, and consider possible solutions together with the Federal agency and other consulting parties.

Consultation does not mandate a specific outcome. It is the process of seeking consensus about how the effects on historic properties should be handled.

More Information:
https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/cultural.htm



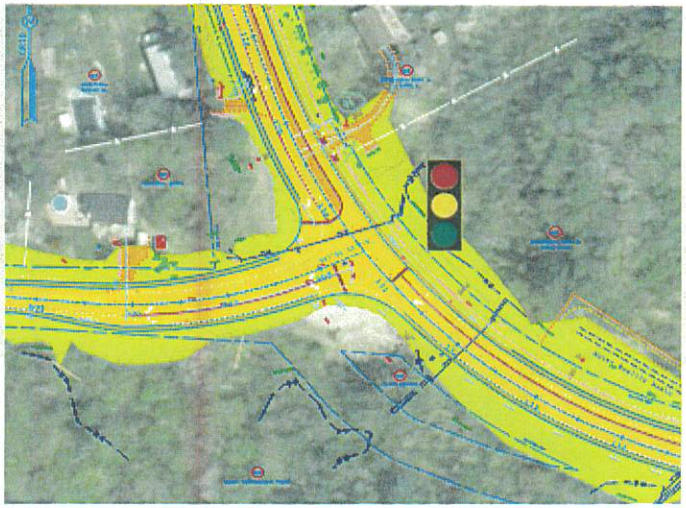
Questions?

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Alternative Considerations & Rating Criteria

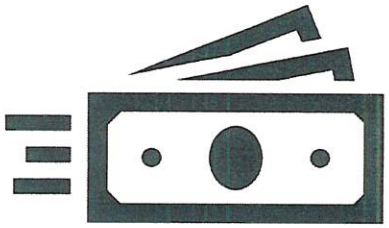
Alternative	Costs	Meets P&N	Property Impacts & ROW	Safety & Traffic Calming	Operations & Maintenance	Resource Impacts	Overall
No Build	🟢	🔴	🟢	🔴	🔴	🟡	🔴
Traffic Signal	🟡	🟢	🟡	🟡	🟡	🟡	🟡
Roundabout	🟡	🟢	🟡	🟢	🟡	🟡	🟢



Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Project Budget



Construction Estimates

Traffic Signal:	$3,500,000
Roundabout:	$3,300,000

Total Project Budget: $4,984,000

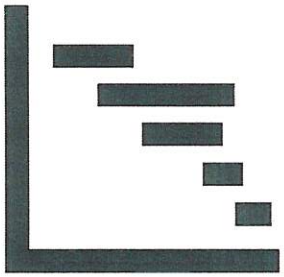
Notes

- ***Original TYP Project Budget $1,758,309***
- ***Requires STIP Amendment (Approvals Required by SNHRPC)***
- ***Proposes New Town of Londonderry Match of $1.0M (Capped)***

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Project Schedule



• Public Informational Meeting	September 2022
• Refinement of Preferred Alternative	Fall 2022
• Public Hearing	Spring 2023
• NEPA Approval	Summer 2023*
• Wetlands Permit/ROW Plans	Fall 2023*
• Advertise Project for Construction	July 2024
• Construction	2025*

**Anticipated based on Typical Permitting & Acquisition Durations*

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

Contact Information

Jason Ayotte, PE

NHDOT Project Manager

- (603) 271-3921
- Jason.M.Ayotte@dot.nh.gov

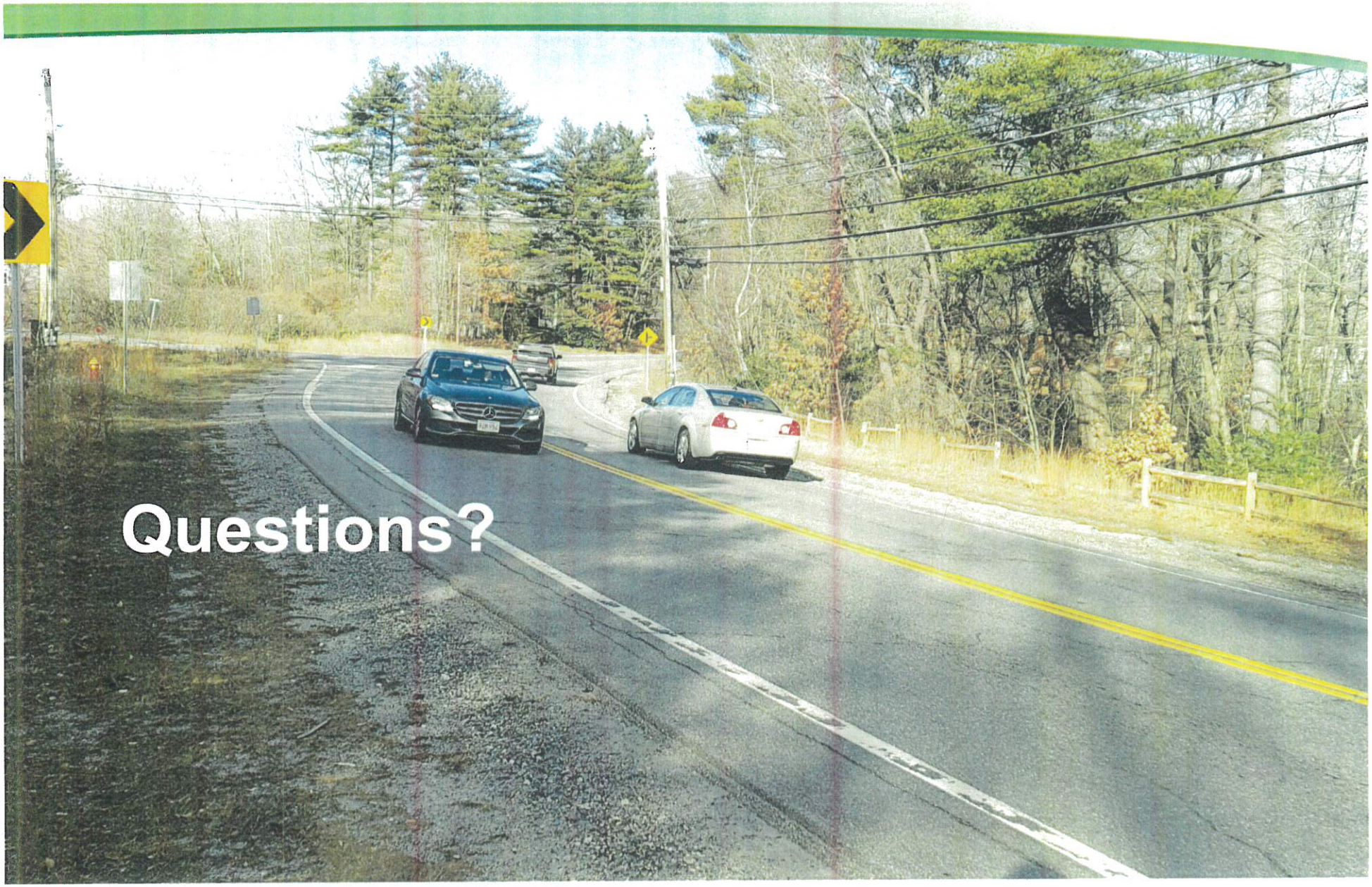
Presentation Material is Available on the Department's website

www.nh.gov/dot/projects

Londonderry 41715

Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation



Town of Londonderry NEW HAMPSHIRE Est. 1722

New Hampshire DOT Department of Transportation

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT effective the date it is signed by all parties, is between, on the one hand, **Wayland C. Elwood, Trustee of the Wayland H. Elwood Trust, dated May 12, 2008, Pamela Hills,** of 11 Cutler Road, Litchfield, NH 03052, and **Ronald Lawrence**, 19102 Lymestone Court, New Smyrna Beach, FL 32168 (the "Seller"), and the **Town of Londonderry, New Hampshire** (the "Buyer"), of 268B Mammoth Road, Londonderry, NH 03053:

1. Property

The Property to be conveyed is approximately fifty four (54) acres of land vested in the Seller by virtue of a warranty deed of Londonderry Lithia Spring Water Company to "Nettie B. Elwood, her heirs and assigns forever" dated May 22, 1940 and recorded at Book 969, Page 280 in the Rockingham County Registry of Deeds, and also known as Map and Lot 002-022-0 (the "Property").

Subject to Section 16, below, the Property will be held perpetually in the name of the Buyer for conservation, agricultural, and/or recreational purposes under the control and management of the Londonderry Conservation Commission following its acquisition by the Buyer.

To the extent a certain directional sign for Elwood Orchards located at the intersection of NH Route 102 and High Range Road is situated on the Property, the Buyer shall grant a license to Seller or Seller's nominee for such sign to remain in its present location. This provision shall survive the closing and is intended to benefit Wayne Elwood and his successors-in-title with respect to the property at ~~35~~ 54 Elwood Road (Elwood Orchards). Except with respect to this provision, and subject to paragraph 16, this Agreement is not intended to benefit any third party.
plus wcé, ph

2. Purchase Price

The Buyer shall pay the Seller or the Seller's assign the purchase price of One Million Five Hundred Thousand Dollars and No Cents ($1,500,000.00) funded with money in the Buyer's existing conservation land fund and other funding to be secured. The purchase price shall be paid as follows:

a. Deposit of $10,000 by check drawn on a bank account of the Town of Londonderry, to be held in escrow by Seller's representative pending closing, or as otherwise provided herein; and

b. $1,490,000.00 by check drawn on a bank account of the Town of Londonderry at closing.

3. Closing

The closing shall occur at the Londonderry Town Hall on or before December 31, 2022.

4. Transfer of Title

Upon the receipt of the Purchase Price as set forth herein, and no later than the date stated above (absent agreement of the parties), the Seller shall deliver to the Buyer a duly executed, good and sufficient Warranty Deed in form reasonably satisfactory to the Buyer conveying its fee interest in the Property free from liens and encumbrances, except:

a. Real estate taxes assessed on the Property which are not yet due and payable;

b. Lien for Current Use Taxation;

c. Betterment assessments, if any, which are not a recorded lien on the date of this Agreement;

d. Federal, state, and local laws, ordinances, bylaws, rules and regulations regulating use of land, including building codes, zoning bylaws, health and environmental laws;

e. Utility easements of record; and

f. Permitted Encumbrances.

5. Closing Certifications and Documents

a. Seller shall execute and deliver simultaneously with the delivery of the deed such certifications and documents as may customarily and reasonably be required by Buyer, including, without limitation, certifications and documents relating to: (A) parties in possession of the Property; (B) the creation of mechanics' or materialmen's liens; (C) the settlement statement, 1099 acknowledgment, NH DRA forms, disbursement authorization, certificate of nonforeign status, errors and omissions agreement, and tax proration agreement; (D) Seller not in bankruptcy and there being no litigation pending or threatened against or relating to the Property; and (E) information required to permit the closing agent to report the transaction accurately to applicable taxing authorities.

b. If Seller is a corporate entity, Seller shall provide evidence of Seller's good standing with the Secretary of State, copies of its formation documents, as amended, and certification as to the authority of the person signing documents on the Seller's behalf, all as reasonably requested by Buyer.

6. Contingencies

The Buyer's and Seller's performance of this Agreement is contingent upon the following:

A. Approval of this transaction by the Londonderry Conservation Commission on or before August 31, 2022;

B. Approval of this transaction by the Londonderry Town Council under RSA 36-A:4, I, on or before August 31, 2022;

C. Appraisal of the Property for no less than $1,500,000.00 (the "Appraised Value"), on or before August 31, 2022, by McManus & Nault Appraisal Company, at the Buyer's expense. Should the Property appraise for more than $1,500,000.00, the purchase price shall remain $1,500,000.00;

D. Completion of a Phase 1 environmental study satisfactory to the Buyer in its sole discretion on or before August 31, 2022; and

E. Buyer securing funding sufficient to cover the purchase price, by way of grant(s), appropriation(s), or from other sources, on or before December 19, 2022. It is acknowledged that Buyer may seek funding from such sources as it deems appropriate, and may decline to seek funding from other sources, in its sole discretion.

F. Upon the effective date of this Agreement, Buyer, or Buyer's representatives, shall have the right to enter the Property for the purpose of performing inspections and tests. All such inspections and tests shall be conducted at the sole expense of the Buyer. Buyer shall have the right to have the Property surveyed, to test for environmental matters, to conduct engineering inspections, to review zoning matters, market conditions, financial matters and any or all other matters Buyer deems relevant to its purchase. If Buyer, in its sole opinion, is not satisfied with the results of such tests or inspections for any reason, or if the Property is not in compliance with any applicable laws, regulations, codes or ordinances, Buyer may, at its option, terminate this agreement by providing written notice to the Seller on or before December 31, 2022, in which event this agreement will be null and void without recourse to the Seller. Buyer and its agents shall indemnify and hold Seller harmless from and against losses and claims occasioned by their entry onto the Property for the purpose of conducting inspections and tests under this paragraph, and shall supply evidence of commercially reasonable liability and workers' compensation insurance upon request. To the extent Seller may permissibly do so, Seller shall grant Buyer the right to copies of any and all tests, including but not limited to, inspection results, engineering inspections and/or reports, environmental inspections and or tests, etc., and to the use of such information.

Should one or more of the foregoing contingencies fail, the Buyer may elect to cancel this Agreement, in which case the Seller will return the deposit to the Buyer and the parties shall be released from their respective obligations under this Agreement. With respect to a failure of

contingency (C), Seller and Buyer may, but are not required to, amend the purchase price stated in Section 2 and to amend the Appraised Value stated in Contingency (C) to an amount no less than the actual appraised value. Should the above contingency deadlines and the Title Notification Date pass without the Buyer canceling this Agreement, the deposit will become nonrefundable. The Buyer may request extensions of dates or deadlines contained in this Agreement which shall not be unreasonably withheld.

7. Closing Costs

The Seller and Buyer shall be responsible for their respective fees and expenses.

8. Real Estate Broker

The Seller is represented by a New Hampshire real estate broker, Maggie and Giovanni Verani, BHHS Verani Londonderry ("Broker"). It is acknowledged that Buyer shall in no way be responsible for payment of Broker's or his or her applicable agency's commission, and Seller shall indemnify and hold Buyer harmless from and against any claim of the Broker for the same.

9. Title

On or before December 31, 2022 (the "Title Notification Date"), Buyer agrees to obtain, at Buyer's expense, either (i) a Commitment for Title Insurance written on a nationally recognized title insurance company, or (ii) a written title certification, together with copies of all instruments which create title exceptions (collectively, the "Title Commitment"). Buyer agrees that on or before the Title Notification Date, Buyer shall give written notice to Seller of any title matters which are not acceptable to Buyer as Permitted Encumbrances (the "Title Notice"). Except for those matters of record arising after the date of the Title Commitment, any matter of record not set forth in the Title Notice shall be deemed to be a Permitted Encumbrance. In the event that the Title Notice sets forth title matters not acceptable to Buyer as Permitted Encumbrances, then Seller shall use reasonable efforts to remedy the title matters to which Buyer has disapproved in the Title Notice. If Seller shall be unable to remedy such title matters, this Agreement shall be deemed terminated and the Deposit shall be returned to Buyer.

10. No Waste

During the term of this Agreement, Seller shall not commit waste on the Property, and Seller shall not alter the Property in any way, including, but not limited to the harvesting of timber, excavation of earth, or construction of improvements. Seller shall keep the taxes paid upon the Property, and shall permit no liens or encumbrances to attach to the Property.

11. Other Disclosures

Seller represents and warrants that during the time of Seller's ownership of the Property, Seller has not discovered, nor has Seller caused the Property to be exposed to, any toxic or hazardous substance and Seller is otherwise unaware of the existence of any toxic or hazardous

substance on the Property. The parties waive any statutory property disclosure requirements that may apply to the Property.

12. Default

If the Seller shall default in the performance of the Seller's obligations under this agreement, then the Buyer may institute a suit for specific performance or pursue other available legal remedies. If the Buyer shall default in the performance of the Buyer's obligations under this agreement, then the Seller may rescind the agreement and treat the deposit as liquidated damages. This shall be the Seller's sole remedy at law or in equity.

13. Attorneys

Sheehan Phinney and Michael J. Malaguti represent the Buyer and the Buyer's interests. Solomon P.A. and Peter Solomon represent the Seller and the Seller's interests.

14. Condition of Property

Except as otherwise set forth herein Seller is conveying the Property in its AS IS condition.

15. Backup Offers

Seller may continue to show the Property, receive backup offers, and enter into agreements with third parties, provided, however, that such agreements are subject to the terms of this Agreement and the rights of the Buyer set forth herein. The Seller may permit such third parties to enter the Property for the purpose of conducting due diligence, provided, however, that Seller shall not permit such parties to commit waste as defined in Section 10, above.

16. Assignment

The Buyer may in writing assign its interests, rights, and obligations under this Agreement to a third party or parties without the consent of the Seller.

17. Effect of Agreement

This Agreement contains the complete, final, and exclusive embodiment of the entire understanding between the parties. This Agreement is entered into without reliance on any promise, representation, agreement or understanding, oral or written, not contained herein. This Agreement may only be amended in a writing signed by the parties hereto.

18. Venue

This Agreement shall be enforced in accordance with the laws of the State of New Hampshire, and the parties agree that any litigation to enforce the provisions of this Agreement will take place in Rockingham County, New Hampshire. In the event of litigation regarding this Agreement, the parties expressly submit to the exclusive jurisdiction and venue of the Rockingham County Superior Court located in Brentwood, New Hampshire.

SELLER

WAYLAND C. ELWOOD, Trustee of the Wayland H. Elwood Trust

Date: 5/24/22

PAMELA HILLS

Date: 5/23/22

RONALD LAWRENCE

Date: May 13, 2022

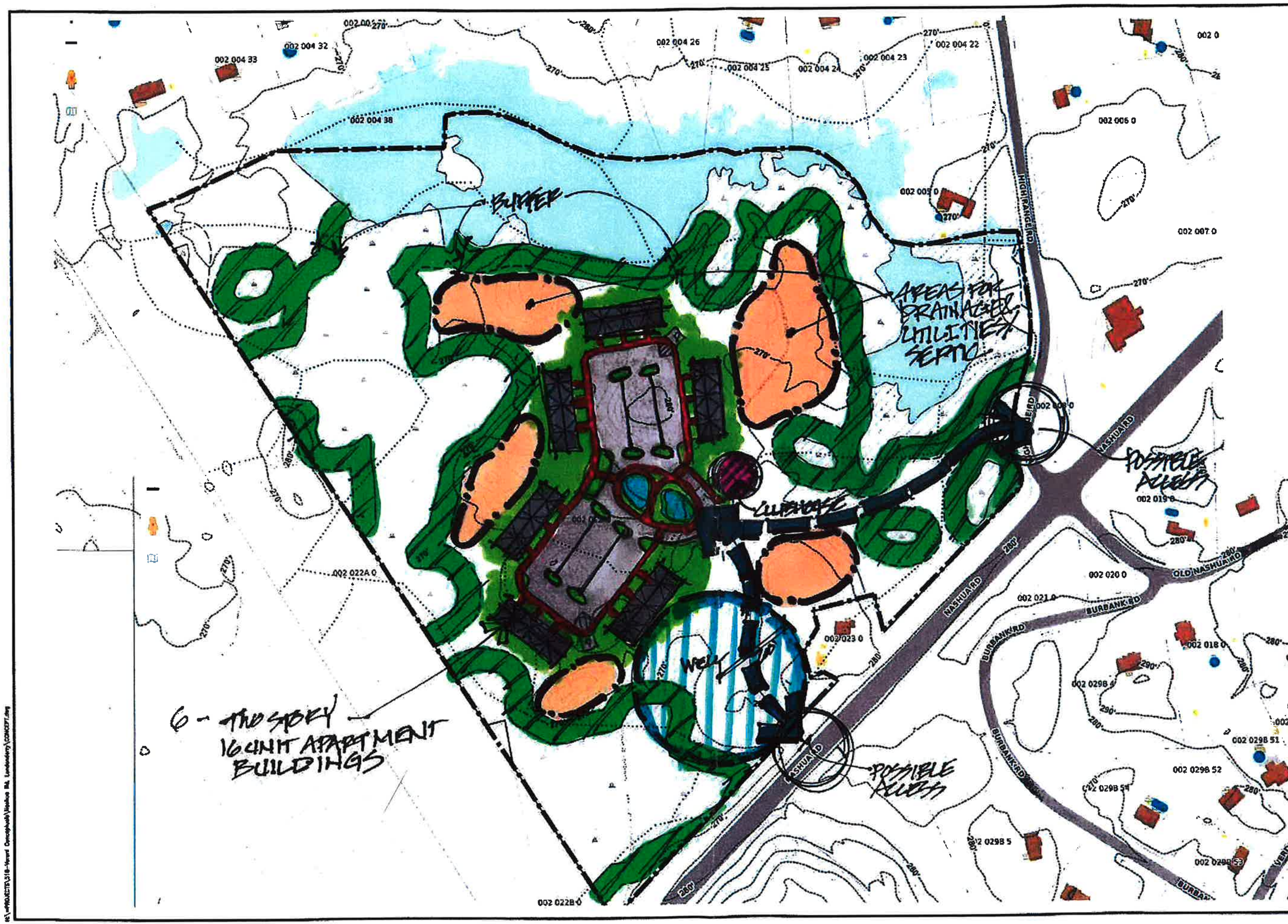
Victoria Eichhorn
Comm.#HH084114
Expires: Feb. 5, 2025
Bonded Thru Aaron Notary

BUYER

TOWN OF LONDONDERRY

Michael Malaguti, Town Manager

Date: 5/31/2022



The Dubay Group, Inc.
136 Harvey Rd. Bldg B101
Londonderry, NH 03053
603-458-6462

Engineers
Planners
Surveyors
TheDubayGroup.com

1 INCH = 100 FEET

REVISIONS:

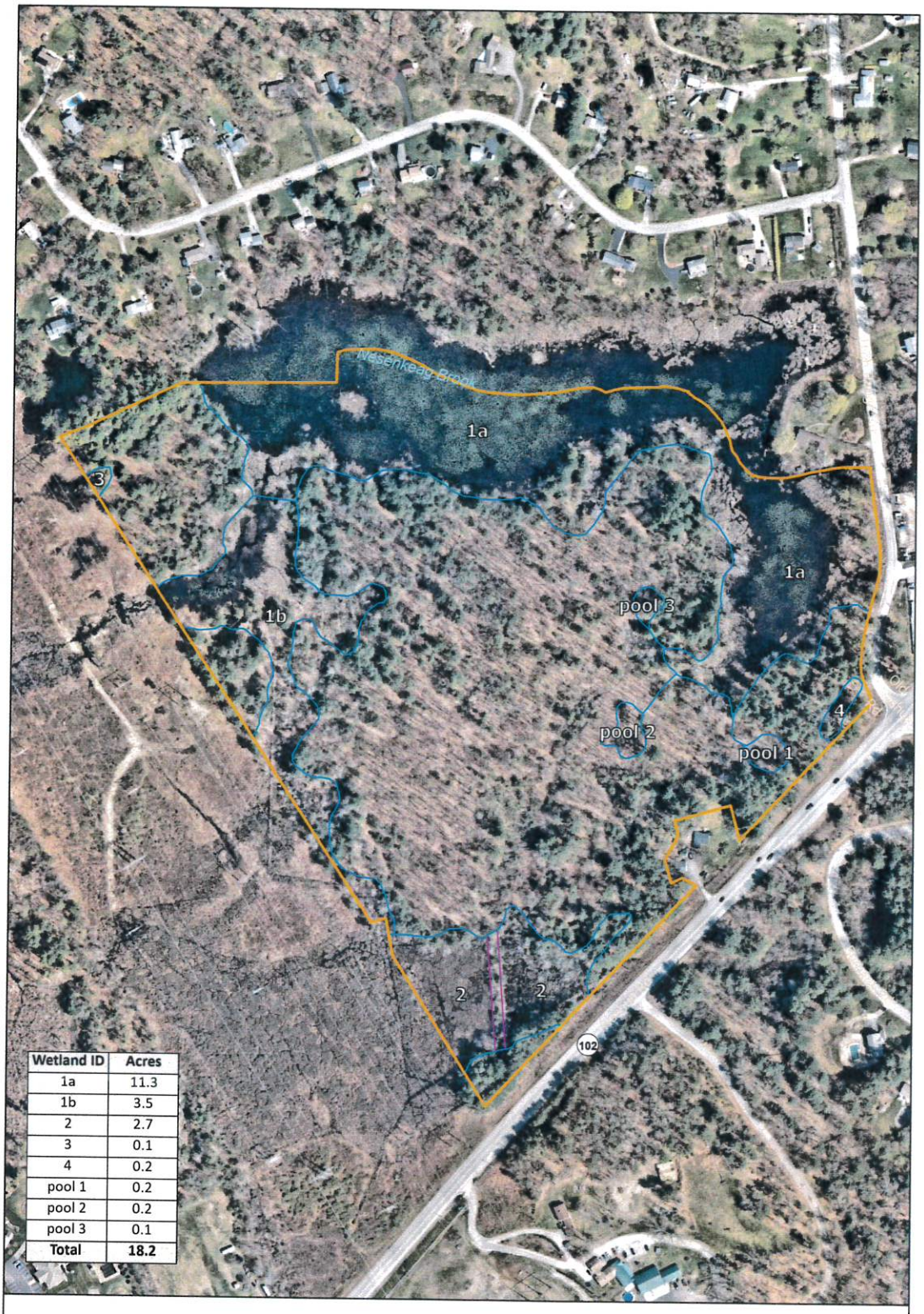
REV:	DATE:	COMMENT:	BY:

DRAWN BY:
CHECKED BY:
DATE: FEB. 17, 2022
SCALE:
FILE: CONCEPT
DEED REF: –

PROJECT:
274 NASHUA ROAD
LONDONDERRY, NH

SHEET TITLE:
CONCEPTUAL PLAN

PROJECT #518



Wetland ID	Acres
1a	11.3
1b	3.5
2	2.7
3	0.1
4	0.2
pool 1	0.2
pool 2	0.2
pool 3	0.1
Total	**18.2**

Wetlands

Lithia Spring
Londonderry, New Hampshire

Date Exported: 8/18/2022 2:36 PM

0 500 Feet

Lithia Spring
Wetland Boundary
Wetland Restoration (6,820 sq ft)

N

Data Sources: Wetland boundaries from West Environmental, Inc. Parcel boundaries are from GRANIT. Background image is 2022 Nearmap imagery from the Town of Londonderry.

4 USE AND DIMENSIONAL REGULATIONS

4.1 District Uses

Subject to other applicable sections and all other local, state and federal laws, rules and regulations, no building, structure or land may be used or occupied except for the purposes permitted in the base district in which the use is located as set forth in the Table of Uses.

4.1.1 Designation of Permitted Uses

Permitted uses in the base districts are designated in the Table 4-1, Table of Uses by the following:

- Uses Permitted by Right - A use denoted by the letter "P" is permitted by right in the district
- Uses Permitted by Special Exception - A use denoted by the letter "S" is a use that may be authorized by Special Exception in that district. The Zoning Board of Adjustment may grant a Special Exception in accordance with the procedures and conditions set forth in Section 8.1.5, Special Exceptions.
- Uses Permitted by Conditional Use Permit - A use denoted by the letter "C" is a use that may be authorized by a Conditional Use Permit in that district. The Planning Board may grant a Conditional Use Permit in accordance with the procedures and conditions set forth in Section 6, Conditional Use Permits.

4.1.2 Use Table

Table 4-1
Londonderry Zoning Ordinance Use Table
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 [1]	POD - 28 [1]
RESIDENTIAL AND AGRICULTURAL														
Agriculture	P	P									P [5]			
Assisted Living Facilities	C	P	P	P	P		P				P [5]		P	P
Back Lot Development	C										P [5]			See specific district regs.
Dwelling, multi-family		P	C [9]	C [9]	C [9]	C [9]	C [9]				P [5]		C [9]	C [9]
Dwelling, multi-family workforce	C [3,6,7]	C [3]	C [3]	C [3]	C [3]	C [3]	C [3]				P [5]		C [3]	C [3]
Small workforce housing development	C [3]													
Dwelling, single family	P	P			S						P [5]			
Dwelling, single family, workforce	C [3]	C [3]	C [3]	C [3]	C [3]	C [3]					P [5]			
Dwelling, two-family	P	P			S						P [5]			
Dwelling, two-family, workforce	C [3]	C [3]	C [3]	C [3]	C [3]	C [3]					P [5]			

Table 4-1
Londonderry Zoning Ordinance Use Table
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 [1]	POD - 28 [1]
Live-Work Units			C	C	C	C	C	C	C	C	P [5]			
Manufactured housing	P	P												
Manufactured housing, workforce	C [3]	C [3]												
Mixed use residential						P, C [3]	P, C [3]				P [5]		C [3]	C [3]
Mobile homes	P													
Nursing Home and accessory uses		P	P	P	P		P				P [5]		P	P
Preexisting manufactured housing parks	P													
Presite Built Housing	P													
CIVIC USES														
Community center			P	P		C					P [4]			
Cemetery	P													
Public Facilities	P		P	P		C		P	P	P	P [4]	P		
Public Utilities	P	P	P	P				S	S	S	P [5]	S		
Recreational Facilities, Public	P			P							P [4]		P	P
Religious Facilities	P		P	P	P	P					P [5]		P	P
Cultural Uses and Performing Arts							C			P	P [4]			
BUSINESS USES														
Aeronautical Facilities												P		
Assembly, testing, repair and packing operations up to 250,000 sq. ft.								P	P	P	P [4]			
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger								P	P	C	P [4]			
Bed and Breakfast Homestay	P										P [5]			
Business center development			P	P			P			P	P [4]		P	P
Conference/Convention Center							C			P	P [4]			
Day Care Center, Adult						C	C				P [4]			
Drive-thru window as an accessory use			P	P			C							
Drive-in establishments			P	P										
Drive-in theatres				P										

Table 4-1
Londonderry Zoning Ordinance Use Table
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 [1]	POD - 28 [1]
GB District Services										(*See* GB District Services Use Table, **Section 4.1.2**)				
Financial institution			P	P			P			P	P [4]			
Funeral homes			P	P	P									
Education and Training Facilities							C			P	P [4]			
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	See Section 5.8													
Group Child Care Center					P	C		S	S		P [4]		C	C
Home Occupation	See Section 5.12										S			
Hotels				P			C			P	P [4]			
Manufacturing, Heavy									P	P		P		
Manufacturing, Light up to 250,000 sq. ft.				P				P	P	P	P [4]	P		
Manufacturing, Light 250,001 sq ft or larger				P				P	P	C	P [4]	P		
Membership club			P	P							P [4]			
Motels				P										
Motor Vehicle Maintenance, Major Repair and Painting									P			P		
Motor vehicle rental												P		
Motor Vehicle Station, Limited Service				P		C [2]					P [4]	P		
Recreation, commercial			P	P			P				P [4]		P	P
Retail sales establishment up to 75,000 sq. ft			P	P		P	P				P [4]		P	P
Retail sales establishment 75,001 sq. ft. or larger			P	P			C				P [4]			
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use										C				
Professional office			P	P	P	P	P	P	P	P	P [4]	P	P	P
Rental Car Terminal up to 50,000 sq. ft										P	P [4]			
Rental Car Terminal 50,001 sq. ft. or larger										C	P [4]			
Repair services			P	P		P		P	P		P [4]	P	P	P
Research or Development Laboratories				P			P	P	P	P	P [4]	P		
Restaurant			P	P		C	P				P [4]	P	P	P

Table 4-1
Londonderry Zoning Ordinance Use Table
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 [1]	POD - 28 [1]
Restaurant, fast food			P	P			C				P [4]			
Sales of Heavy Equipment or Heavy Trucks as an accessory use								C	C	C				
School, Private					P						P [4]		P	P
Service establishment			P	P			P	P	P		P [4]	P	P	P
Sexually oriented businesses			P	P										
Storage, self serve				P				P	P				C	C
Terminal, Airplane												P		
Terminal, Trucking up to 100,000 sq. ft.									P	P	P [4]	P		
Terminal, Trucking 100,001 sq. ft. or larger									P	C	P [4]	P		
Vehicle Sales Establishment				P										
Warehouses and Storage up to 250,000 sq. ft.				P				P	P	P	P [4]	P	C	C
Warehouses and Storage 250,001 sq. ft. or larger				P				P	P	C	P [4]	P	C	C
Wholesale Businesses up to 250,000 sq. ft.				P				P	P	P	P [4]	P		
Wholesale Businesses 250,001 sq. ft. or larger				P				P	P	C	P [4]	P		

1 - Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use
2 - See Section 4.3.1(B)(4) for additional dimensional requirements related to fuel dispensers
3 - See Section 5.7 for specific requirements (workforce housing)
4 - As part of an approved PUD Master Plan, See Section 5.2
5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See Section 5.2
6 –Applies only to proposed multi-family workforce housing developments in the AR-1 district which meet the following conditions:
a. Prior to May 13, 2014, one or more variances were granted to the proposed development from provisions of this ordinance that were in effect at that time;
b. As of May 13, 2014, no additional variances were necessary for the proposed development to constitute a proposal sufficiently complete as to qualify for consideration by the Planning Board for approval
c. A Conditional Use Permit for the proposed development is approved by the Planning Board not later than 4/19/2017 (said date being eighteen months after the adoption of these amendments).
7- In the AR-1 district, Multi-family workforce housing may be permitted subject to a Conditional Use Permit on lots adjacent to commercial and industrial districts, provided that the proposed development meets the Conditional Use criteria for workforce housing.
8 – deleted
9 – See Section 6.3.5 for building size criteria

Londonderry Town Council Meeting Minutes
August 29, 2022

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

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

CALL TO ORDER

Chairman Farrell called the Town Council meeting to order at 6:00 PM. A motion was made by Councilor Franz to enter non-public session under RSA 91-A:3, II(a), (b), and (i). The motion was seconded by Councilor Butler and carried unanimously after a roll call vote.

At 7:00 PM the Council emerged from non-public session and voted to seal the minutes indefinitely. This was followed by the Pledge of Allegiance and a moment of silence for all of our first responders who do a great job keeping us safe.

PUBLIC COMMENT

Kristine Perez, 5 Wesley Drive, stated that her name begins with a K and not a Ch. She would like it changed in the minutes.

Jonathan Esposito, 5 Shelley Drive, asked the Council about the closed session and stated that he plans on seeking third party review of the exemptions that the Council and School Board use a lot.

Racheal Killian, 6 Bridle Path, stated that she was curious about a recent event that took place and was highly publicized. Killian stated that she was wondering if other complaints were received and if there are any that were not publicly addressed. Chairman Farrell stated

that it will all be addressed in the OHD debrief. Killian also asked if the Chairman and Council were aware of the recent events involving one of the Councilors being arrested. Chairman Farrell stated that it is a private matter and the Council knew nothing in advance. Killian also asked the Council when they met to decide to release the press release that was put out.

Maria Barut, 6 Bridle Path, asked if during the debrief, the public can ask questions. Chairman Farrell stated that it wouldn't be open to public comment. Barut stated that the Council addressed the flag issue but no one addressed the violent screaming from the pro-abortion group. They were screaming crazy things and Barut stated that she had to explain to her seven-year-old what abortion is. Barut stated that she would like the Council to address this. Barut asked who approved the group.

LPD Deputy Chief Kim Bernard brought the Council up-to-date with some milestones happening at the PD. Chief Bernard stated that on August 5th, Chief Hart retired. There are also two, twenty-year employees; Captain Patrick Cheetham and Sgt. Scott Balukonis. Chief Bernard also stated that Dispatcher Amelia McKeever resigned due to the fact that she's moving. Chief Bernard thanked McKeever for all of her hard work and dedication to LPD.

Kristine Perez, 5 Wesley Drive, stated that she was flabbergasted and deeply offended by a group marching in the parade. It was horrible what went on and it continued down at Mack's Apples.

Tom Estey, 9 Old Nashua Rd, stated that during the parade, with the flag, people from Kevin Smith's campaign took pictures of that jeep and there were only two registered vehicles for the parade, his and Don Bolduc's. Estey asked how the jeep got in there and no one addressed it. Estey asked who was responsible for the parade and if it was Kirby [Brown]. Chairman Farrell stated that she was not responsible. Estey stated that everyone is here tonight for answers. Estey stated that he saw Chairman Farrell pass by the area multiple times. Chairman Farrell stated that he never saw it. Estey stated that Kevin Smith's campaign took pictures and saw the flag.

PUBLIC HEARING

NONE

NEW BUSINESS

Town Manager Michael Malaguti gave an Old Home Day debrief. Malaguti addressed complaints and presented a PowerPoint to the Council and public. See attached. Malaguti stated that the town received complaints from five citizens about the pro-abortion people, three citizens who felt that the town should have taken more of a stance against the flag, two citizens who felt that Londonderry C.A.R.E.S. booth on the Common should have not been there because of that group's support of LGBTQ youth, and two citizens who complained about the statement from the Council condemning the flag. Malaguti stated that the town heard from four to five people regarding safety issues, and vehicle and traffic issues.

Town Manager Malaguti went over the process of parade registration and how it's put together. It's a small group made up of town staff and a few volunteers. Malaguti stated that there were only two to three people who were directing the whole thing on that day. Sixty-two separate groups were there. Malaguti stated that in order to register, you fill out a form. The form is sent back to Kirby Brown. Kirby then organizes them and sends them to Steve Dente. Not a single applicant was turned away and the town has never turned anyone away. We also let in late participants. The Rotary offers volunteers to help down at the parade lineup. Malaguti stated that he drafted the parade script and he only edited them due to length. Malaguti shared the forms of the groups that the town received complaints about.

Malaguti went over the rules and laws of what the town can say yes and no to. Malaguti stated that Londonderry stood on the right side of the First Amendment, even when it's uncomfortable to.

Councilor Paul asked if we can limit the amount of people in the parade.

Ann Chiampa, 28 Wedgewood Drive, stated that this should be an old-fashioned type of day and it's been blown out of proportion. Chiampa stated that we need to restrain it to the meaning of the day. Chiampa stated that it turned into a circus.

Racheal Killian, 6 Bridle Path, thanked Malaguti for all of his research. Killian stated that the memo that went out, didn't seem impartial. Killian stated that the vehicle wasn't apart of anyone's campaign. Killian stated that jeep was rebuilt by a resident who was recreating

it to be a replica of that era. A member of the audience corrected Killian and stated he's from Pelham. Chairman Farrell stated that he wished the candidate would have come to the meeting and the Council would have accepted his explanation. Killian stated that that is not something that candidate would have supported had it come to his attention.

Jonathan Esposito, 5 Shelley Drive, stated that there were two safety concerns. Esposito stated that his wife called the Police Department regarding a safety issue at Moose Hill at approximately 10:40 the morning of OHD. Esposito stated that the dispatcher for the PD apparently didn't log it. When SRO Perry arrived, he had not received a communication from the PD. Esposito complained about two elected officials' driving behavior in the touch-a-truck area. Esposito stated that he still hasn't heard an explanation from the town on it. Esposito stated that Sunday evening he emailed Town Manager Malaguti about another safety issue in which he and his children were within another elected official's vehicles when they pulled out from the parade.

Chairman Farrell asked Malaguti if an email complaint was received. Malaguti stated it was and it was passed along to the PD. Esposito stated that along with that his wife called the PD that morning and Esposito claimed the call wasn't logged and it was never relayed to SRO Perry that there was an elected official who was dragging a cone across the parking lot. Deputy Chief Bernard stated that he did receive an email from Esposito and he did promptly respond to his email. Chief Bernard stated that he checked the police log and there was not a call logged, not to say she didn't call, and not to say that the dispatcher was busy with everything and forgot to enter a parking lot complaint. Chief Bernard stated that PD had a busy day that day, he received the call log and emailed him back immediately. Chairman Farrell asked where the second incident took place. Esposito stated the Londonderry Middle School parking lot, the staging area. Esposito stated that this person took off to get into line in an inappropriate manner. Malaguti stated that he also responded to Esposito's email as well. Chief Bernard stated that two officers were present at the beginning on the parade and no report was made to either of the officers who were stationed at that location. Chairman Farrell let Esposito know that we can try to do better going forward.

Kristine Perez, 5 Wesley Drive, stated that she witnessed the incident at the Middle School. Perez stated that she finds it suspicious that the people taking picture of the flag that day were connected with another campaign and a campaign that Chairman Farrell is very involved with. Chairman Farrell stated that no accusations should be made and he does not participate in Mr. Smith's campaign and he will not sit there and listen to accusations. Perez

stated that she finds it suspicious that something came out about the flag and not the other issues.

Martha Smith, 38 Shasta Drive, stated that OHD has been a long-standing tradition in all of the New Hampshire towns to celebrate the history of the town. Smith asked if there was a difference between inviting a politician in the parade and political issues being addressed in a parade. Chairman Farrell stated that we only invite politicians at the national level. Malaguti stated all the others find us. Malaguti stated that because of free speech, if you let one in, you have to let the other in.

Councilor Butler stated that going forward we need to tighten it up and he suggested that the people filing these complaints should get involved.

Councilor Paul stated that OHD should be all volunteers and the town shouldn't be involved and everyone in the room should step up.

Ray Breslin, 3 Gary Drive, stated that a lot of statements have been made and we have learned how people can step up going forward.

Ted Combes, 6 Bancroft Road, stated that if we start eliminating groups, we will get in a lot of legal trouble.

Jake Butler, 2 Danbury Ct, stated that this was a great OHD. Butler stated that politics has become ugly and it's sad that it overshadowed the whole event. Butler thanked the OHD committee for everything they did.

Janet Hutala, 5 Stony Point Drive, stated that when she arrived only the parade director knew what was going on. Hutala stated Steve was doing a great job. Hutala stated things could be done better but we shouldn't be blaming it on the organizations.

Mike Pettengill, 5 Apollo Road Ext., thanked Malaguti for the presentation and stated that all groups should work together and you open a can of worms when you start to say no to some groups and not to others.

Steve

Chairman Farrell introduced the first reading of Resolution #2022-14, an updated policy against harassment and reporting procedures. Motion to waive first reading and schedule a public hearing made by Councilor Franz and second by Councilor Butler. Chair votes 4-0-0.

APPROVAL OF MINUTES

Motion to approve the Town Council minutes from July 11, 2022 as amended made by Councilor Franz, with the correction of the resident's name. Seconded by Councilor Butler. Chair votes 4-0-0.

OTHER BUSINESS

The Council discussed keeping the drought restrictions as is since the state is still in a drought. The Council voted 2-2 on the issues, keeping the restrictions as they are now.

Town Manager Malaguti stated that a resident is seeking relief from the drought restrictions due to the fact that they just hydroseeded their lawn. The Council declined to grant relief, due to the fact that it's a new neighborhood and it wouldn't be fair to one neighbor and not the others.

Malaguti thanked staff members, Kirby Brown Justin Campo, Dave Wholley, Ilona Arndt and Katie Sullivan on all their hard work on OHD.

ADJOURNMENT

Motion to adjourn made by Councilor Franz and second by Councilor Butler. Chair votes 4-0-0.

Notes and Tapes by:	Kirby Brown	Date: 8/29/2022
Minutes Typed by:	Kirby Brown	Date: 9/6/2022
Approved by:	Town Council	Date: 9/12/2022

Old Home Day 2022

Addressing Complaints about the Parade and Booths on the Common

Parade Organization

- Town staff and volunteer involvement
- Registration
- Traffic

2022 LONDONDERRY OLD HOME DAY
Parade Registration Form
Parade Date: August 20, 2022
Celebrating 300 Years of Londonderry!

Business Name: Women's March Londonderry

Contact Name: [redacted]

Mailing Address: [redacted], Londonderry, NH 03053

Phone #: (____) [redacted] Cell Phone #: (____) [redacted]

Contact E-Mail: [redacted]

Please check all that apply and complete information required:

_____ We will have a float & spotters (for floats with children riding on them).

x We are a marching unit (# of marchers: up to 40)

_____ We will have vehicles (# of vehicles: _____)

Please specify the type(s) of vehicle(s) you plan to have (if applicable) in the parade:

Please describe your organization below. This information will be used to announce your organization from the viewing stand during the parade.

Women's March Londonderry is a local grass-roots group focused on women's rights and empowerment. Our participation in the Old Home Day celebration will be focused on getting people, women in particular, to vote this coming election season

This form must be returned by mail, emailed, or in person to by **July 29, 2022**: Old Home Day Parade Committee, Londonderry Town Hall, 268B Mammoth Rd, Londonderry, NH 03053. Or email form to Kirby Brown at kbrown@londonderrynh.org.

Parade Participants

- **Town government groups:** Town Council, School Board, Senior Resources Committee, Police, Fire, DPW
- **Government endorsed or approved groups and people:** Grand Marshalls, Citizen of the Year, Volunteer of the Year,
- **Community groups:** LHS Band, Northeast Italian Band, Hobo Band, Pinkerton HS Band, NHPA Pipes & Drums, Alvirne HS Band, Great American Marching Band Grand Marshalls, founding families trolley, stilt walkers, Babe Ruth team, Wildcats, LHS Dance Team, Miss Londonderry and Miss Londonderry Outstanding Teen, Little Miss and Mr. Londonderry, Red Star Twirlers, Southern NH Gymnastics, NH Diamond Dawgs, Ovation Theater, Londonderry Soccer, Miss Nutfield Teen and Outstanding Teen, Antique Cars, Rhythmic Revolutions Twirling, Blue Lions,
- **Political groups:** Sununu, Londonderry incumbents, Hassan, Pappas, Democratic Committee, Women's March, Baxter, Republican Committee, Bolduc, Sherman, Priestly, Conway, Stacey, Knights of Columbus, Mowers, Smith, Morse
- **Businesses:** Jersey Mike's, Sit Means Sit, Hass Dental, Altitude Trampoline, Certa Pro Painters, Mack's Apples, Waste Management, Waste Innovations, Student Transportation
- **Individuals:** Kay Weber, Stan Weat

Parade - First Amendment

Government speech

- Government may speak for itself.
- First Amendment does not apply.
- Requires "effective control" over the message being conveyed. *Pleasant Grove City v. Summum*, 55 U.S. 460 (2009).
- Example: Londonderry's annual 9/11 observances or a veterans' parade

Forum for private speech

- "The First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dep't of Chicago v. Mosley*, 408 U.S. 92 (1972).
- Exceptions: obscenity, child pornography, true threats, incitement to imminent lawless action
- Example: Flag pole at Boston City Hall Plaza or public comment at a Town Council meeting

Limited or Dedicated Public Forum

- Government entity may create a forum that is limited to use by certain groups or dedicated solely to the discussion of certain subjects.
- Examples:
  - *Leake v. Drinkard*, 14 F.4th 1242 (11th Cir. 2021)
  - *Good News Club v. Milford Central School*, 553 U.S. 98 (2001)
- Restrictions must be reasonable and viewpoint neutral

Booths on the Common

1 YMCA of Greater Londonderry
2 100 Women Who Care – Spread the Love
3-6 Elliot Health Systems
7 Solo Agrega LLC
8 St. Marks Knights of Columbus
9 Refined Roofing LLC
10 Beacon Church
11 603 Chimney, Duct & Vent
12 Knights of Columbus Council 6949
13 Ovation Theatre Company
14 Sit Means Sit Dog Training
15 Southern NH Gymnastics
16 So Fresh & So Clean LLC
17 Pipe Dreams Brewery
18 Nutfield Eye Associates
19 Liberty Mutual Insurance
20 Convention of State
21 CentraPro Painters
22 Health on the Fly
23-24 Woo Kickboxing Academy
25 Londonderry Republican Committee
26 Braver Angels
27 Renovate Fitness
28 C.A.R.E.S.
29 Londonderry Democratic Committee
30 Londonderry Women's Club

Londonderry Fire Department Booth

Londonderry Police Department Booth & Londonderry Cadet post

Information Booth

Presbyterian Church

Londonderry Grange

31 Londonderry 300th Birthday Booth
32 The Green Team
33 Conservation Commission
34 Beautify Londonderry
35 Londonderry Rail Trail
36 Spindel Eye Associates
37 Londonderry School District
38 Leach Library
39 Senior Resources Committee
40 House of Samurai
41-42 Orchard Christian Fellowship
43 Londonderry Police Association
44 Londonderry Arts Council
45 Pet Butler
46 Jersey Mikes

ARTIST ROW

47 603 String Art
48 Autumn Blaze Woodcraft
49 Athena's by Rose
50 Patty's Paintings & Crafts
51 Lavish Llama Bath & Body LLC
52 Carol St. George Crochet
53 Color Street Nails
54 Bluett Arts LLC
55 Virginia Crawford
56 Candles by Lizryth

57 Derry Appliance Repair
58 Wear Urna
59 The Upper Room
60-62 ALERT
63-64 Great American Subs & Girl Scouts
65-68 Londonderry Wildcats

Londonderry STEM

Touch -A-Truck & Morrison House

LONDONDERRY'S OLD HOME DAY CELEBRATION

See back for Adult Den

Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power, and want a certain result with all your heart, you naturally express your wishes in law, and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that ***the ultimate good desired is better reached by free trade in ideas -- that the best test of truth is the power of the thought to get itself accepted in the competition of the market***, and that truth is the only ground upon which their wishes safely can be carried out. ***That, at any rate, is the theory of our Constitution.***

Abrams v. U.S., 250 U.S. 616 (1919) (Holmes, J. dissenting)

Sources

- *Pleasant Grove City v. Summum*, 55 U.S. 460 (2009)
- *Police Dep't of Chicago v. Mosley*, 408 U.S. 92 (1972)
- *Leake v. Drinkard*, 14 F.4th 1242 (11th Cir. 2021)
- *Good News Club v. Milford Central School*, 553 U.S. 98 (2001)
- *Shurtleff v. Boston*, 142 S.Ct. 1583 (2022)
- *Abrams v. U.S.*, 250 U.S. 616 (1919)
- *Walker v. Sons of Confederate Veterans*, 576 U.S. 200 (2015)