

LONDONDERRY TOWN COUNCIL MEETING MINUTES

Londonderry Town Council Meeting Minutes July 11, 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; Assistant Town Manager Lisa Drabik; Absent: Executive Assistant Kirby Brown

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 affected by the July 4th shooting in Illinois.

PUBLIC COMMENT

Chairman Farrell announced that Assistant Town Manager Lisa Drabik will be resigning. She accepted a position as the HR Director for the City of Manchester. Chairman Farrell thanked Drabik for all she has done for the town over the last five and a half years.

Chairman Farrell announced that Police Chief Bill Hart will be retiring in early August. Chairman Farrell stated that Chief Hart served Londonderry well and we have one of the finest police stations and forces in the state. Chief Hart addressed the Council and thanked the town for its support and the opportunities the Town and Council provided to him during the many years he spent with Londonderry.

Dan Bouchard, O'Connell Drive, asked where the money goes once taxes are collected. Chairman Farrell clarified whether Bouchard was asking about the deposit process. Town Manager Malaguti stated that the money is deposited in interest bearing accounts. Bouchard stated that he sent his taxes in early July and nothing has cleared from the bank yet. Bouchard stated that he called and was told that there are a few boxes of payments to be entered. Bouchard stated that he is concerned his payment is just sitting in a box. Chairman

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Farrell stated that they're processed as quickly as possible. Bouchard stated that he mailed his checks on June 27th. It is now Jul 11th and he's being charged late fees on his accounts and his checks have not cleared the bank. Chairman Farrell stated that they will check with the Tax Collector. Malaguti stated that the Tax Collector uses the post date on the mailing in terms of late fees so he shouldn't be expected to pay late fees.

Kristine Perez, 5 Wesley Drive, stated that she lives in the Nevins community but she is not representing the Nevins, just her husband and herself. Perez stated that there are negotiations between the Town and Gilcreast LLC, and she would like the developers to be required to put a fence in between the Nevins and the property at issue. Chairman Farrell asked Town Manager Malaguti if these negotiations were terminated. Malaguti stated that this parcel has a lack of sewer capacity, and until this week, we thought they put the whole thing on hold. Now, they are looking to see if they can do the project with septic, so he is not sure where it stands. Chairman Farrell stated the project may or may not go forward.

Ray Breslin, 3 Gary Drive, stated that in regards to the property on Gilcreast, we have to be careful how we proceed. Breslin stated that apparently the Town came up with over one million dollars for the developer so that he wouldn't build on the property and now he's decided he does want to build. Breslin believes they are putting roads in there and clearing in there because they want to see if they can put in septic systems. Breslin asked who gave them the okay to do this because it's Conservation land. Chairman Farrell reviewed the history of the property as follows: the property was originally sold to Elmer Pease, so at the time before the Nevins was built, they wanted to build assisted living and three hundred apartments. Chairman Farrell stated that this went to ballot by special election for a few million dollars, the townspeople decided to buy the land, and also still have this piece of land remain in the property of Elmer Pease. Pease sold the land to the current developer. They own whatever Pease sold them. Breslin asked if the site was a brownfield site. Chairman Farrell stated that it is not. Chairman Farrell stated that the EPA brownfield site is in a different area, behind Tinkham. Town Manager Malaguti stated this is not a part of the ground water management zone that pertains to the Tinkham Garage. Breslin asked the Council who owns the superfund site. Chairman Farrell stated that he does not know. Breslin stated that Tinkham superfund site is a real problem and we should know who owns them so we know how to proceed and that nothing is being done on it. Chairman Farrell stated that it has been monitored since the early eighties and we get very regular reports. Breslin asked who is going to have a discussion with him in regards to this. Chairman Farrell stated that staff will look into it and get back to him, Town Manager Malaguti clarifies that the Gilcreast parcel isn't owned by the Town and there is a Conservation restriction on it but it

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remains owns by the developer. Malaguti stated that there isn't anything in the Conservation easement that restricts them from doing what they're doing.

Lee Jeffers, 16 Crestview Cr, stated that a few weeks ago he was approached by Manchester Water Works and unbeknownst to the people of Vista Ridge, they have been trying to negotiate with the board of directors in regards to an easement to dig a trench to run a water line on Vista Ridge property. Jeffers stated that he has been in contact with Manchester Water Works but doesn't have a clear understanding as to why they're doing it. Jeffers asked the Council if they know about the purpose of the water line. Town Manager Malaguti stated that he has been in contact with Manchester Water Works and they feel strongly about this project, they think it's important for not only for water quality in the region, but it is intended to address pressure issues and water quality issues associated with the filling and refilling of a nearby tank.

Ray Breslin, 3 Gary Drive, stated that there seems to be some confusion about the water tank and the thirty-inch line up in north Londonderry. Breslin stated that there is a water supply problem in Londonderry. Breslin stated that water is passing through Londonderry and we have to protect our most valuable resources.

PUBLIC HEARING

Motion to open public hearing made by Vice Chairman Green and seconded by Councilor Franz. Chair votes 5-0-0.

Chairman Farrell introduced Ordinance #2022-06, an amendment to Title IV, Public Safety and Welfare, Chapter VIII, Animal Control. Town Manager Malaguti presented. This amendment arose out of complaints the Town Clerk has been receiving about at-large dog offenses; dogs attacking dogs, other people, or causing trouble. Malaguti stated that there is a state statute, not a full leash law, but a community has the ability to be more restrictive.

Town Clerk, Sherry Farrell, presented to the Council and thanked all of those who helped her come up with this amendment in an attempt to gain better control of the dogs.

Councilor Butler stated that if we can't enforce it, it's not worth a penny, and that if we put this in place, it has to be enforced.

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Councilor Paul asked if under violations and penalties, the different offenses and RSA's, there could be a description for what a "menace" is. Malaguti stated that there's a specific definition under state law. Councilor Paul suggested amending to Ordinance to put all of the definitions in one spot for people who don't know. Councilor Franz agreed.

Jan McLaughlin, Crestview Circle, shared her experience with a dog in her neighborhood.

Deputy Police Chief Kim Bernard stated that he is sorry if anyone has had a bad experience with calling the PD in regards to a dog issue.

Chairman Farrell stated that he needs a motion on the amendment to incorporate the definitions suggested by Councilor Paul. Vice Chairman Green made that motion. Malaguti stated that section 12, section two will be amended to include the statutory definitions of nuisance, menace and vicious. The motion was seconded by Councilor Franz. Chair votes affirmative; amendment passes 5-0-0.

Vice Chairman made a motion to strike, under section 11, the unlicensed dog section of the ordinance as presented. Motion seconded by Councilor Franz. Chair votes affirmative; amendment passes 5-0-0.

Motion to approve Ordinance #2022-06, as amended, made by Vice Chairman Green and seconded by Councilor Franz. Chair votes affirmative; motion passes 5-0-0.

Chairman Farrell moved on to the Lithia Springs Conservation transaction matter. Town Manager Malaguti presented with representatives from the Conservation Commission. This is a transaction in which the town would acquire 54 acres of land along Nashua Rd, toward the Hudson line. This is property that was previously home to the historic Lithia Springs Water Company. That company is long gone but the property is going to be preserved against development. It contains prime wetland and habitats. The purchase price is \$1.5M. There are a number of contingencies in the purchase and sales agreement, including appraisal of the property, and approval by the Conservation Commission and Town Council. The Conservation Commission has already approved it.

Mike Speltz, 18 Sugarplum Lane, a member of the Conservation Commission, presented a

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PowerPoint about the land and its conservation value.

Jan McLaughlin, Crestview Circle, stated that she used to be a part of the Conservation Commission and a wetland survey was done back then. There was interest in preserving the site. This is a site that should be protected.

Lee Jeffers, 16 Crestview Circle, asked if the Town has until December 31st to close on this transaction. Town Manager Malaguti stated that August 31st is the deadline for the Town Council to approve or disapprove this.

Motion was made to continue the public hearing by Vice Chairman Green and seconded by Councilor Franz. Chair votes in the affirmative; motion carries 5-0-0.

Motion to close the public hearings made by Vice Chairman Green and seconded by Councilor Franz. Chair in the affirmative; motion carries votes 5-0-0.

Chairman Farrell informed the public that the Council will be taking a five-minute break, and requested to see Deputy Chief Bernard and Town Manager Malaguti outside.

NEW BUSINESS

The Council interviewed Lee Jeffers, a recent Leadership Londonderry graduate, for a position on the Heritage Commission. Motion to appoint Lee Jeffers as a full-member on the Heritage Commission made by Vice Chairman Green and seconded by Councilor Butler. Chair votes affirmative; motion carries 5-0-0.

The Council put off the update on the department/Town Manager strategic goals to August 15th.

Town Manager Malaguti discussed the Town's acquisition of Bodwell Waste Services Corporation's infrastructure. Malaguti stated that the Town has been approached and the effort here is being led by the Manchester Wastewater Treatment System. Bodwell has users in Londonderry, but the waste goes to the Manchester plant. Manchester is looking to make sure that the waste gets there in a safe way. The Council took a tentative

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consensus “yes” pending answers to a couple of questions that Malaguti will follow up on.

Town Manager Malaguti discussed meeting locations and recording practices at Londonderry Town Hall. Malaguti stated that he gets questions regarding why some boards/committee meetings aren’t on TV, or why certain group meet in rooms places that don’t have TV capability. Malaguti stated that he is looking for guidance as to how the Council would like him to address the issues when they arise. Malaguti stated that there is no statutory requirement requiring meetings to be televised. Malaguti stated that we can formalize the process. Chairman Farrell suggested we look at the calendar to see when and if any calendaring conflicts (when rooms would be double booked for meetings) can be resolved first.

APPROVAL OF MINUTES

Motion to approve the Town Council minutes from June 20, 2022 as amended made by Vice Chairman Green and seconded by Councilor Franz. Chair votes; motion carries 5-0-0.

Vice Chairman Green made a motion to re-appoint Art Rugg and Deb Lievens as a member of the Southern New Hampshire Planning Commission. Motion seconded by Councilor Franz. Chair votes; motion carries 5-0-0.

ASSISTANT TOWN MANAGER REPORT

Assistant Town Manager Drabik gave an update on the drought. Drabik stated that there is a lawn watering ordinance on the books that the Council could enact during a drought. We are in drought status. The Council enacted the ban at Restriction Level I.

The Council discussed the upcoming Senior Expo the Town will be hosting. Information to come soon.

ADJOURNMENT

Motion to adjourn made by Vice Chairman Green and seconded by Councilor Butler. Chair votes; motion carries 5-0-0.

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210	Notes and Tapes by:	Kirby Brown	Date: 7/11/2022
211	Minutes Typed by:	Kirby Brown	Date: 7/18/2022
212	Approved by:	Town Council	Date: 8/15/2022