

1 **Londonderry Town Council Minutes**
2 **Monday, January 9, 2023**
3 **7:00 PM**
4 **Moose Hill Council Chambers**

5
6
7 **Attendance:** Present: Chairman John Farrell; Vice Chairman Joe Green; Councilors Jim Butler,
8 Chad Franz, and Deb Paul; Town Manager Michael Malaguti; Assistant Town & Economic
9 Development Director Manager Kellie Caron; Finance Director Justin Campo

10
11 **Call to Order**

12
13 Chairman Farrell called the Town Council meeting to order at 7:00 PM. The Pledge was led by
14 Chairman Farrell. This was followed by a moment of silence for those who serve us both here and
15 abroad.

16
17 **PUBLIC COMMENT**

18
19 **Name:** Doug Thomas

20 **Address:** 143 Mammoth Rd, Londonderry

21 Thomas stated that in his committee meeting, he discovered through the Department of Energy,
22 an old program is being resurrected and Londonderry will be one of ten municipalities that will be
23 getting a Grant later in the year. The Energy Efficiency and Block Grant Program is coming back
24 and Londonderry will get over collectively \$917,000.00, which means about \$91,000.00 per town.
25 It will be sued for energy programs.

26
27 **Name:** Ray Breslin

28 **Address:** 3 Gary Drive, Londonderry

29 Breslin commented on Article #13 on the 2022 Warrant. Breslin asked if the article passed.
30 Malaguti stated that it did pass. Breslin asked if it was returning to the General Fund since it is not
31 being used. Malaguti stated that it is not. Malaguti stated that the money that was raised is allocated
32 for the Master Plan.

33
34
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37
38
39 **Name:** Kristine Perez

40 **Address:** 5 Wesley Drive, Londonderry

41 Perez thanked Finance Director Justin Campo for answering all of her questions.

42

43 **Name:** Jonathan Kipp

44 **Address:** 5 Wesley Drive, Londonderry

45 Kipp went over the new poll pads that are used in 28 states, and this will be the first time New
46 Hampshire will be using them, here in Londonderry. Kipp went over the process so using the
47 machines, and the audit on the machines that need to take place after the elections.

48

49 **BUDGET WORKSHOP**

50

51 The Council went through the draft Warrant. See attached warrant.

52

53 Malaguti stated that the town is running out of space to bury residents and we need to make other
54 arrangements so it's important that Article 8 passes. Councilor Paul asked if the Cemetery Trustees
55 are actively looking for more land to put another cemetery or expand them. Chairman Farrell stated
56 that there is an agreement with Woodmont to expand the Pillsbury Cemetery. Malaguti stated that
57 we do have the land but it costs money to bury someone. We have land but it's not ready.

58

59 The Council discussed adding the staffing to the Library.

60

61 Erin Matlin, Head Librarian, stated that she would like to add more programs to the Library and
62 they need staffing. Matlin stated that this is not an MLS required position.

63

64 Patrick Cassidy, Budget Committee, stated that he ran the numbers of how many hours the library
65 is open and how many staff they have. Cassidy stated that the Library has eight full-time staff and
66 nine part-time staff. Cassidy stated that it's roughly twenty-five thousand hours, if his math is
67 correct, that those people are working. The library is open approximately sixty hours a week, which
68 is about three thousand hours a year the library is open. Cassidy stated that due to those estimates,
69 there are eight people on staff at a time and the library does a great job with the programs, but they
70 seem well staffed. Cassidy stated that during this budget cycle it is being discussed about freezing
71 some police positions. Cassidy stated that he just wants to spread the burden around.

72

73 Vice Chairman Green thanked Cassidy but stated this is a little different because the library didn't
74 come to the Council and ask for another person to be approved in the budget, this is being offered
75 as something the people can say yes or no to. Finance Director Campo broke down the salary
76 number for the position and stated some of it goes toward insurance, etc.

77

78 Malaguti discussed the reasons to support the new police contract for the patrol unit sergeants.
79 Malaguti stated that it includes dispatchers and detectives as well. This bargaining agreement is
80 for five years. Chairman Farrell stated that this is good because usually it's only for three years,

81 but we were able to do it for five. Malaguti stated that we have the best police department in the
82 state, but we have fallen behind what we can offer. We want to attract and attain the best officers.
83 Malaguti stated that supporting this contract is the right thing to do.

84

85 The Council discussed Article #15 and the cost of a water system upgrade in town. The Council
86 discussed the cost and what surrounding towns have done. Chairman Farrell stated that we need
87 to put something in the Warrant Article to further explain to people what it says so that we can
88 make it clear for people. Chairman Farrell stated that this will end up like how sewers are done
89 down the road and it will be self-funded by users. We need to clarify that for users. Finance
90 Director Campo stated that he will be submitting a rough copy to DRA tomorrow. We are able to
91 adjust the warrant articles up until after the Deliberative Session.

92

93 Malaguti stated that if the Operating Budget fails this year, then we are stuck with the Default
94 Budget from last year and we would be funding building maintenance and vehicle maintenance
95 out of personnel. If the Operating Budget were to fail, we would be in a bad spot. Chairman Farrell
96 stated no going over default, we will stay where we are.

97

98 **PUBLIC HEARING**

99

100 **Ordinance #2023-01 – Rezoning Request Relative to Rezoning Map 13, Lot 143**

101

102 **Motion to open Public Hearing:** Vice Chairman Green

103 **Second:** Councilor Franz

104 **Chair votes 5-0-0.**

105

106 Bob Carey, Orr and Reno representing Gizmo Enterprises, and Todd Bayne, Gizmo Enterprises,
107 presented.

108

109 Chairman Farrell stated that Mr. Carey works for the law firm his daughter works for, therefore he
110 is stepping down from the discussion and vote. Vice Chairman Green holds the seat.

111

112 Carey stated that they are looking to rezone the railroad corridor, Map 13, Parcel 143. They are
113 looking to have it rezoned from AR, current zone, to CII which is Commercial. His client has
114 owned the property since 2004 and has a business that began in Londonderry. Carey went over the
115 functional footprint of his client's business. Bayne stated that he hopes he get granted the waiver
116 so that he can continue to run his business he's been running there for nineteen years. Vice
117 Chairman green if this would make his operation smoother. Bayne said yes.

118

119 Councilor Franz confirmed which section they're looking to have rezoned. Malaguti stated that
120 this is based on GIS data and it's not completely accurate.

121

122 Bob Rimol, President of Londonderry Trailways, stated that he has a lot of abutters along the rail
123 trail and they have been there a long time. There has never been any issues and he is hopeful that
124 the solution that comes up is in favor of being that they didn't have to change anything because
125 there's an adequate buffer and right now it's safe.

126

127 Vice Chairman Green shared that the planning Board voted against the rezoning. One of the things
128 the cited was the safety issue with the buffer because of the rail trail.

129

130 Councilor Paul stated that she did not vote for it at the Planning Board meeting because she wanted
131 to vote with the Council. The Planning Board and the Planning Department were against it for a
132 few reasons. Malaguti stated that the Department was not against it. Assistant Town Manager and
133 Director of Economic Development, Kellie Caron, stated that she did not provide a
134 recommendation on behalf of the Planning Department. The reasons the Planning Board was
135 against it were because it's not consistent with the Master Plan, the potential for spot zoning, and
136 negative effects on the scenic landscaping on the existing rail trail. Assistant Town Manager Kellie
137 Caron stated that it is important for Council to make their decision based on the criteria, which is
138 health, safety, and general welfare of the community. IN addition to how the request is in
139 accordance with the Master Plan.

140

141 **Name:** Debbie Murphy

142 **Address:** 110 Rockingham Rd, Londonderry

143 Murphy stated that she was unable to make the Planning Board meeting. She received an abutter
144 notice. This property is well north of her and Murphy stated she was confused as to why the whole
145 property will be rezoned commercial. Murphy stated that the walls keep moving closer to the rail
146 trail and she feels that what has happened over the years, it has taken over property line. Murphy
147 stated that she doesn't want to back of her property going commercial.

148

149 Councilor Pail asked if there was a site-plan on file showing the property line. Caron stated that
150 he does.

151

152 Councilor Butler stated that when the applicant bought the property back in 2004 and had the site-
153 plan and did the surveys. The applicant went over the process of when he bought the property. His
154 business has run for eighteen years and it has been inspected. Councilor Butler stated that it is the
155 applicant's job to get the property surveyed and stay within the property lines. Councilor Butler
156 stated that he thinks it's crept, but if we don't give this variance, it's going to shut a lot of this
157 yard down. The concrete blocks weren't there when the applicant bought the property.

158

159 Councilor Franz asked if the applicant want just asking to change the zoning for the client's
160 property. Carey stated that they are requesting the part along the rail trail from Liberty Drive.
161 Malaguti stated that this is important because it is changing the Zoning Ordinance. Caron said that
162 this variance would make the property split-zoned, which we don't allow. It would make the
163 property partially residential and partially commercial.

164

165 The Council went through the questions asked in the Zoning Ordinance.

166

167 Councilor Franz stated that it would be appropriate to continue the discussion to give the town
168 staff more time to do research. Councilor Franz made a motion to continue this issue to the next
169 meeting. Seconded by Councilor Butler. Malaguti stated that the split-zoning question, if it is off
170 the table, there is nothing we need to do. That was suggested as a possible solution. Caron stated
171 we currently don't allow split-zoning. Caron asked the Council if they would like her to supply
172 the possible impacts of split-zoning? Councilor Butler stated yes, see what we can come up with.
173 Vice Chairman stated that it seems like they know where the concerns are.

174

175 Carey stated that he and the applicant are fine with the continuance. The Council continued it to
176 the next meeting. Chair votes 4-0-1. Chairman Farrell obtained.

177

178 **Resolution #2022-23 – Commercial Industrial Tax Exemption Program**

179

180 Chairman Farrell rejoined the meeting as Chair. Town Manager Malaguti stated that this item has
181 been before the Council a few times. Most recently to go back and look at the eligibility criteria
182 that we currently enforce in the program. That was passed in June. Malaguti stated that right now
183 it grants a tax relief against new value with the construction and rehabilitation for qualifying
184 structure. In order to participate, you have to be increasing the value of the building. Inflation
185 is in the area of 70% and it is affecting construction costs, etc. and we haven't received any
186 applications yet. The consensus of the Council was for it to be looked at in expanding the eligibility
187 criteria to allow more businesses to participate. Malaguti stated that we are not trying to grant tax
188 relief to a business who would come here anyway, this is to entice new businesses who wouldn't
189 necessarily come here. Malaguti proposed to lower the to five million dollars and ten million
190 dollars. Malaguti also introduced a new third tier. Malaguti presented the highest paying taxpayers
191 in Londonderry.

192

193 **Name:** Ted Combes

194 **Address:** 6 Manasquan Circle, Londonderry

195 Combes stated that on the third tier it should be close to fifteen to twenty years, not eight like
196 Councilor Paul suggested. Combes stated that the Council should look at the whole picture.

197

198 Malaguti stated that this can always be relooked at in the future again. Malaguti stated that this
199 will expire by itself in twenty-four months. Each project will have to come to the Council for
200 approval.

201

202 Councilor Franz filed a motion to accept the changes Malaguti presented and adopt them.
203 Seconded by Councilor Butler. Chair votes 4-1-0 to approve Resolution #2022-23. Councilor Paul
204 voted against.

205

206 **Resolution #2023-02 – Acceptance of Unanticipated Revenue Under RSA 31:95-b, III(a) for**
207 **the Purpose of Concluding the Lithia Springs Conservation Transaction: Land and**
208 **Community Heritage Investment Program Grant Award (\$300,000)**

209

210 Town Manager Malaguti presented.

211

212 **Resolution #2023-03 - Acceptance of Unanticipated Revenue Under RSA 31:95-b, III(a) for**
213 **the Purpose of Concluding the Lithia Springs Conservation Transaction: Aquatic Resources**
214 **(\$500,000)**

215

216 Town Manager Malaguti presented.

217

218 Motion to approve bother Resolution #2023-02 and #2023-03 made by Vice Chairman Green.
219 Seconded by Councilor Franz. Chair votes 5-0-0. The Council accepted \$800,000 in Grant funding.

220

221 **Motion to close Public Hearing:** Vice Chairman Green

222 **Second:** Councilor Paul

223 **Chair votes 5-0-0.**

224

225 **NEW BUSINESS**

226

227 Fire Chief Darren O'Brien the LFD Stryker PowerLOAD Ambulance lift purchase. Chairman
228 Farrell stated that this has been talked about for many years and we have applied for many Grants.
229 We have not been successful in the application in Grants. The price of these things will go up 40%-
230 50%. Deputy Chief Fred Heinrich also presented. O'Brien stated that a Grant opened up again and
231 he and the staff will go through and look at everything. Chairman Farrell confirmed that the
232 department was looking for four of them. O'Brien stated that it is. It is for the prevention of further
233 injuries. This device lifts the stretcher up and loads it into the ambulance. Having personnel load
234 stretchers into the ambulance has caused injuries on our end. The prices are going up this week.
235 Chairman Farrell stated that right now the number he sees is \$166,000 and if the Council waits it
236 will be \$266,000. Malaguti stated that as part of the American Recovery Plan Act, the Town got
237 money, they are infrastructure dollars. Malaguti stated that we have ample money available to do
238 that, we just need the Council would need to allocate the dollars. This will not cost the taxpayers
239 money in the tax rate. A consensus is needed. The Council gave Town Manager Malaguti
240 consensus.

241

242 **APPROVAL OF MINUTES**

243

244 Motion to approve the minutes from December 19, 2022 made by Vice Chairman Green and
245 seconded by Councilor Butler. Councilor Franz stepped out. Chair votes 4-0-1.

246

247 **REAPPOINTMENTS**

248

249 Vice Chairman Green motioned to except the resignation of Gary Stewart from the SWEC.
250 Seconded by Councilor Butler. Chair votes 4-0-1.

251

252 Vice Chairman Green motioned to reappoint Lynn Wiles and Jeff Penta as alternate members on
253 SNHPC with on-year terms. Seconded by Councilor Butler. Chair votes 4-0-1.

254

255 Vice Chairman Green stated that a recommendation was made a while ago to move Todd Ellis up
256 to the full-member position on the Recreation Commission. Vice Chairman Green made the
257 motion. Seconded by Councilor Butler. Chair votes 4-0-1.

258

259 **Adjournment**

260

261 **Motion:** Councilor Franz

262 **Second:** Vice Chairman Green

263 Chair votes 5-0-0

264

265 Minutes taken by Kirby Brown on 1/9/2023

266 Minutes typed by Kirby Brown on 1/17/2023

267 Minutes approved by Town Council on 1/23/2023