

Londonderry Town Council Minutes
Monday, February 6, 2023
7:00 PM
Moose Hill Council Chambers

Attendance: Present: Chairman John Farrell; Vice Chairman Joe Green; Councilors Jim Butler, Chad Franz, and Deb Paul; Town Manager Michael Malaguti; Assistant Town Manager Kellie Caron

Call to Order

Chairman Farrell called the Town Council meeting to order at 7:00 PM. The Pledge was led by Chairman Farrell. This was followed by a moment of silence for our first responders here in town, especially those who worked the fire Friday night here in town. A moment for their continued safety.

PUBLIC COMMENT

Chairman Farrell stated that public comment will be open until 8:00 PM. The 3-minutes limit will be in effect.

Name: Heather Burr Carey

Address: 132 Pillsbury Rd, Londonderry

Carey stated that this is the fastest growing sport and Londonderry is behind. There are a lot of communities and school districts implementing it across the state and country. Carey stated that last year there was a warrant article on the ballot to start the engineering process to install eight brand new pickleball courts in Londonderry. The overall cost would have been about \$250K. It lost by 169 votes. Carey stated that there should have been more information shared. Carey stated that there is a grant from the NH Department of Parks and Recreation, that the town would possibly qualify for. The process starts this year. Overall this grant would reimburse the town for half the cost. That process would have to start now. Carey asked the Council advice on how to move forward. Chairman Farrell suggested, with council consensus, to add pickle-ball to a further agenda. Dive into it and find how the council can support the grant for it, and how to do more diligence around it. Councilor Paul also suggest to have Ilona and Art P. there to give their input.

Chairman Farrell stated that he believes most of the people in the room are present for the proposed reorganization plan.

41 **Name:** Tonya Christian

42 **Address:** 103 West Rd

43 Christian stated that she is here to do a quick claim deed with the Town of Londonderry on a piece
44 of property that she thought she bought, but it is not actually part of the property. She stated that
45 her attorney has researched things and she is hoping to get that deed so she can combine that
46 property with her existing property. Chairman Farrell stated that this will be addressed tonight later
47 in the meeting.

48
49 Chairman Farrell stated the Londonderry residents only first for subject number one.

50
51 **Name:**

52 **Address:**

53 Gandia stated that she is not a resident of the town but she is the employee who is the subject of
54 why all of the folks are here. Chairman Farrell stated that she already spoke at the last meeting and
55 hes going to let the Londonderry residents speak first.

56
57 **Name:** Dan Bouchard

58 **Address:** O'Connell, Londonderry

59 Bouchard stated that he is really disappointed in the board. Bouchard stated that our employees
60 are really valuable employees. You're always saying it's hard to find employees. Bouchard stated
61 that he understands if you want to reorganize and try to save money, but if you have a valuable
62 employee with a lot of talent, and you reorganize, wouldn't you try to find a place for that
63 employee. Bouchard stated that the town is looking for a Planner, can't Gandia do that job.
64 Bouchard stated that this looks like more than a reorganization. What is all of this telling people
65 who we are trying to get to come and work in Londonderry. Bouchard stated that she had no union
66 rep and was denied one. Bouchard stated that as the Town Council, they hire the Town Manager.
67 Bouchard stated that it falls on the Council thought, and don't hide behind the Charter.

68
69 **Name:** Ellen Brideau

70 **Address:** 19 Severance Drive, Londonderry

71 Brideau stated that he husband was the Town Assessor for over 20 years. Brideau stated that she
72 has been a MA municipal employee for decades, and she was dismayed on how her hometown is
73 conducting themselves. Why would a valued employee be laid off mid fiscal year? Is the town
74 projecting a shortfall? Are there other mechanisms in place if there is going to be one? Restructures
75 happen all the time, at the end of fiscal years, and people have warnings. Brideau stated that this
76 department is critical to new growth and smart development and it's already short staffed. Brideau
77 stated that her husband worked very well with Gandia. Brideau stated tat her dismissal appears
78 underhanded. The residents and employees deserve better.

79
80 **Name:** Kristine Perez

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

82 Perez stated that there ate two rooms, one is the Community Room at the PD, and the conference
83 room at Town Hall they were told they can't use anymore. Perez shared a recent experience and
84 asks if the present policy can be rescinded. Perez stated that she sent a letter to the Town Council

85 and Malaguti on January 10th and she never received an answer from anyone. Perez read the letter
86 into the record.

87
88 **Name:** Suzanne Brunelle

89 **Address:** 42 Calla Rd, Londonderry

90 Brunelle stated that she has been a resident of Londonderry for over thirty years, She is also a
91 practicing attorney and the vice-chair on the ZBA. Brunelle stated that the ZBA needs her help on
92 that board. Outside counsel came in last meeting and it did not go well. Gandia's knowledge far
93 exceeds most of the attorney's she practices with. To let her go at this point would be a travesty.
94 This is not a way to save money. One lawsuit, \$140K easily. It would be bad for this town for
95 someone who mitigates loss on that board, her expertise is needed. This should be an easy decision.

96
97 **Name:** Bruce Campbell

98 **Address:** 7 Willow Lane, Londonderry

99 Campbell asked if the procedures for firing an employee and letting them go followed? This is
100 setting a dangerous precedent. This could apply to any town employee. What are we doing to the
101 moral of the town employees, by reorganizing without due notice. The way we get rid of an
102 employee, did we follow those procedures from an HR standpoint. Union is also involved.

103
104 **Name:** David MacCulloch

105 **Address:** 3 Sequoia Ave

106 MacCulloch stated that it is strange to see the process. MacCulloch stated that he has been an
107 accountant and business advisor for over forty years, of having a situation of going in and
108 terminating an employee in this manner. She had no warning. You don't terminate them and tell
109 them they can't go back to their desk. What are you so concerned about. There's nothing in the
110 information that said she was a bad employee or that she was a problem in the town hall. This is
111 the kind of action you take when you have a dangerous employee. There are a lot of questions. Did
112 they follow the personnel code? Did they follow the collective bargaining agreement? It shows a
113 complete lack of judgement. We have given other employee's a reason to go looking for new jobs.

114
115 **Name:** Liz Neville

116 **Address:** 5 Isabella Drive, Londonderry

117 Neville stated that she disagrees with the reorganization plan. The treatment of Gandia was unfair
118 and mean. Neville asked if they would want to be treated that way.

119
120 **Name:** Martha Smith

121 **Address:** 38 Shasta Drive, Londonderry

122 Smith stated that she was confused by what's happening. The town advertised for a Town Planner
123 and we hired a woman for that job. Short after, that woman became the Assistant Town Manager,
124 and left the Planning Department. Smith has always heard about how terrific Gandia is and how
125 knowledgeable she is. Why would you advertise for a town Planner right after she was moved into

that position? And Gandia is a fantastic employee. The whole issue to the public is very confusing.

Name: Ken Rahilly

Address: 1 Ridgemont Drive, Londonderry

Rahilly stated that he appreciates what the Council does. He thinks Gandia's dismissal was handled poorly. Rahilly stated that he has known Gandia for years, and to lose her would be a loss of legal skills that you will pay for on the back end.

Name: Tamara Lampes

Address: 6 Dickey Street, Londonderry

Lampes asked regarding the Assistant Town manager and Economic Development Director that was listed on your minutes. Is this the current job description? It shows an Associate Planner and she's confused. Chairman Farrell stated that is the job description that's posted on the site and they don't get into positions during public comment.

Name: Elizabeth Harrison

Address: 19 Severance Drive, Londonderry

Harrison stated that she works for a civil engineering company in Bedford that works closely with Laura and the Planning department in Londonderry. Harrison stated that she's concerned about what this absence will leave for their developers in town, knowing there is no Town Planner right now. Harrison stated that this is something she finds out of character for this town to do. Harrison stated that she is concerned with where this is headed, and Gandia has always been very helpful.

Name: Monica Rahilly

Address: 1 Ridgemont Drive, Londonderry

Rahilly agreed with what everyone else has said about Gandia. Rahilly stated that she is disappointed and discouraged to hear that the town is acting this way and treating her this way. She has so much character, skills, and integrity. It's very cost effective to have someone like Gandia. Rahilly stated that she hopes the Council reconsiders.

Name: Patty Scarfo

Address: 167 Winterwood Drive, Londonderry

Scarfo stated that Gandia gives so much to the town and people who come through Town Hall. Scarfo stated that the way she was treated, she did not deserve that.

Name: Kevin Conin

Address: 12 Premier Drive, Londonderry

Conin stated that like many others, he has worked with Gandia. Conin stated that sadly he thinks it's too late to get Gandia back and he wouldn't want to come back. Conin stated that he understands the Council and Town Manager have a tough job, but hopefully the town can heal

166 itself.

167
168 **Name:** Dan Bouchard

169 **Address:** O'Connell Drive, Londonderry

170 Bouchard stated that it was concerning to find out that Chris Gandia, who retired from this police
171 department in Londonderry after many years of service, as a Captain, Councilor Butler gave him
172 an award at a town meeting and spoke highly of him, and yet he was served with a no trespassing
173 order on Town property. Why Were both Laura and Chris Gandia both served one? Bouchard
174 stated that there's so much more to this than reorganization. This is not good for the Town of
175 Londonderry. Not at all.

176
177 **Name:** Amanda Longo

178 **Address:** 42 Forest Street, Londonderry

179 Longo asked the Council, looking through the documentation for the job descriptions, and after
180 hearing Malaguti speak at length in regards to the positions, there was a perception that Malaguti
181 had been thinking about this reorganization for months. Would you say that's correct? Chairman
182 Farrell stated that he won't be answering questions about the process Malaguti took. Longo stated
183 that was the perception everyone got, however, no meeting minutes for any of the budget
184 workshops, which were a week or two before, where these cost savings were discussed with the
185 Budget Committee. Longo stated that the packet with all of this information was not even posted
186 with the meeting agenda, when it was posted the week before. It does seem pretty rushed. And
187 none of the information can be found in any meeting minutes.

188
189 **Name:** Ray Breslin

190 **Address:** 3 Gary Drive

191 Breslin stated according to the Town Charter, the Town Manager is supposed to provide a
192 personnel plan, which is supposed to be done within a given period of time. Breslin stated that he
193 found one from 2015, isn't there a newer one? Breslin stated that this reorganization doesn't make
194 sense and isn't in the best interest of Londonderry.

195
196 **Name:** Chris Moore

197 **Address:** 38 Oakridge Drive, Londonderry

198 Moore stated that he is an active member in Leaderships Londonderry and an alternate member on
199 the ZBA. Moore stated that he hopes the Council votes against this reorganization. Moore thanks
200 Malaguti for running the town as efficiently as possible, however the Associate Planner is a
201 valuable position. Moore stated that he witnessed Gandia on numerous occasions, she goes above
202 and beyond her role.

203
204 **Name:** Mitch Feig

205 **Address:** 37 Wilshire Drive, Londonderry

206 Feig stated no matter what, he hopes the town looks into the treatment of this person when she was

207 apparently fired and let out of the building a few weeks ago. Feig also asked if Gandia could speak
208 on her behalf.

209
210 **Name:** Robert Longo

211 **Address:** 42 Forest Street, Londonderry

212 Longo stated that he would like to see the Council decline this reorganization. Longo stated that
213 he is confused as to why the Council had to seek legal advice on a reorganization plan that was
214 drafted by a career attorney. As a taxpayer, Longo stated that he is concerned about the billable
215 hours we seek for not just this matter, but for everything going on in the Planning department while
216 Gandia is not there.

217
218 **Name:** Chris Gandia

219 **Address:** 3 Chamberlin drive, Litchfield

220 Gandia stated that he retired last year with over twenty-five years of service working for the police
221 department. Gandia stated that darkness has surrounded his wife for not just the past few weeks,
222 but past several months. This goes much deeper than what happened at the Council's last meeting.
223 Gandia shared his thoughts. Gandia stated that his wife stood up to the Town Manager several
224 months ago in response to his unfair labor practices. This is one of the well documented issues for.
225 Gandia stated that the reorganization is a poor disguise. What the Council is being asked to vote
226 on tonight is a retaliation. Gandia thanked everyone who has supported them through this process.

227
228 **Name:** John Vogl

229 **Address:** Resident of MA

230 Vogl stated that he served the town for twelve years as the GIS manager. He never thought he
231 would be back under these circumstances. The testimony's the Council has heard are true and he
232 objects to cutting this position. The irony tonight is that the last reorganization of the department
233 was to create the Associate Planned position under Kevin Smith and Bill Hart. Gandia is one of
234 the people who has made that department amazing. Vogl asked the Council to vote against the
235 reorganization.

236
237 **Name:** Kristen MacCulloch

238 **Address:** 43 Forest Street, Londonderry

239 MacCulloch read a letter from former Town Planner, Colleen Mailloux into the record, that was
240 sent to the Council earlier in the day. See attached letter.

241
242 **Name:** Beth Morrison

243 **Address:** 15 Rossini Rd, Londonderry

244 Morrison read a letter into the record from Vernco Apple, LLC. See attached letter.

Name: Ann Chiampa

Address: 28 Wedgewood Drive, Londonderry

Chiampa stated that the Council needs to think hard about this. The have heard what a wonderful and intelligent employee Gandia is. What headlines have hit about this, does not make Londonderry look good. How we treat our employees is important. This isn't right.

Name: Laura Gandia

Address: 3 Chamberlin Drive, Litchfield

Gandia stated that she is the Associate Planner for Londonderry. The last two weeks have been nothing short of surreal. Gandia asked the Council to vote against this. Gandia reiterated that she was escorted out and not allowed back in her office. Gandia read her letter into the record.

New Business

Proposed Plan of Reorganization – Planning and Economic Development Department

Chairman Farrell stated that even though Malaguti is an attorney, but as part of his contract, he can't practice law to the extent that he interacts with the Town Council. The Council still has to seek outside Counsel. Chairman Farrell stated that the issue of 4.8 in the Charter that was brought up last meeting does not apply. The Town Manager did follow the plan which is in the Charter.

Councilor Paul stated that she doesn't believe this reorganization was done properly. Councilor Paul made a motion to deny the request. There was no second. Motion dies.

Each Councilor made remarks.

Councilor Butler motioned to approve the Town Managers plan for reorganization. Seconded by Councilor Franz. Chair votes 4-0-1. Councilor Paul votes against.

Order #2023-01 – An Order Relative to the Expenditure of Maintenance Trust Fund for Various Projects

Dave Wholley, Director of Public Works, presented Order #2023-01. Motion to approve Order #2023-01 made by Councilor Franz and seconded by Councilor Butler. Chair votes 5-0-0.

Tonya Christian – Acquisition of Property on West Road

Town Manager Malaguti presented. The property is at 103 West Road and may have had a misunderstanding with the seller as to what the property actually was. Malaguti stated that they have been in discussion with her and her attorney for some time. She is looking for a quick claim

deed for the property adjacent to hers, which could or could not be owned by the town. When she purchased the property, she was under the impression she owned more than what is here. Malaguti presented the map. Christian did some work over property line and that is what sparked this. The title is unclear as to who owns the adjacent area. Malaguti stated that he doesn't have detail of the title report. The Council viewed the property.

Name: John Ferreira

Address: 58 Hovey Rd, Londonderry

Ferreira stated that it was deemed wetland and deemed greenland.

Malaguti stated that Christians attorney is proposing that the town give her a quick claim deed or a deed. The town is not giving up anything.

The Council stated that Christian has to take the next step, see what that is, and see where it goes.

Approval of Minutes

Motion to approve the minutes from January 23, 2023 made by Councilor Franz and seconded by Vice Chairman Green. Chair votes 5-0-0.

Board/Committee Interviews

The Council conducted interviews for the Londonderry Utilities Committee.

The following appointments were made:

Full member, 3-year terms

Martha Smith

Paul Ramsey

John Ferreira

Mike Speltz

Jeffrey McGraw

Anne Fenn

Lynn Wiles

State Rep – 3-Year Term

Ron Dunn

Alternate, 2-year terms

Ray Breslin

Motion to make those appointments made by Vice Chairman Green and seconded by Councilor Franz. Chair votes 5-0-0.

328 **Adjournment**

329

330 **Motion:** Councilor Franz

331 **Second:** Vice Chairman Green

332 Chair votes 5-0-0

333

334 Minutes taken by Kirby Brown on 2/6/2023

335 Minutes typed by Kirby Brown on 2/20/2023

336 Minutes approved by Town Council on 2/27/2023

February 6, 2023

VIA ELECTRONIC MAIL

Londonderry Town Council
268B Mammoth Road
Londonderry, NH 03053

Dear Council Members,

I recently became aware of the proposed plan for the reorganization of the Planning and Economic Development (Planning) Department and submit this letter to provide additional context regarding the roles and responsibilities of the members of the Department. As the Council is aware, I served as the Town Planner / Department Manager from April 2016 through May 2022. During that time, the Town Manager was the designated "Department Head" of the Planning Department and was also responsible for economic development initiatives within the Town. The Town Planner served as Department Manager, a capacity which provided some administrative oversight function.

I understand that the recent creation of the Assistant Town Manager/Economic Development Director (ATM/EDD) position has absorbed the economic development functions that were previously a Town Manager responsibility, in addition to the department manager responsibilities that were previously the function of the Town Planner. The addition of the ATM/EDD position is a great opportunity to provide the Planning Department with direct management and to relieve the Town Manager of economic development responsibilities, while improving support to businesses currently in, or considering relocating to, Londonderry. However, this position does not alleviate the significant demand for the services that are consistently provided on a day-to-day basis by the Planning Department Staff, including the Town Planner and Associate Planner. It may be a conflict for the Staff person responsible for economic development and business growth to also play a role in the review of significant land use applications. It is critical that there be separation in duties between economic development and planning.

In watching the presentation to the Town Council on January 23, the Associate Planner position is stated to be "redundant" and "duplicative". These statements grossly misrepresent the importance of the role of each position in the Planning Department, and the Associate Planner in particular. In the Planning Department, customers come in the form of taxpayers, business owners, developers, engineers, attorneys, current and future residents, the Town's land use board members, the Town Council, and Town Departments and Staff. Every member of the Planning Department plays a key role in assisting these customers and in accomplishing the mission of the Department.

The Associate Planner position was described by the Town Manager as a "support" position with a solely administrative function. This description fails to recognize the actual role of the Associate Planner. The Associate Planner is responsible for managing applications made to the Planning Board, Zoning Board and Heritage Commission, providing initial technical review of each application for completeness and adherence to the regulations, identifying items of concern and escalating issues to the Town Planner. This initial technical review is key in ensuring a smooth process, not only for larger scale projects that will require further extensive

review by the Town Planner and Town Engineer, but also for the smaller projects, which, though less complex, are likely to need additional support and guidance from the Associate Planner, as they are typically project proposals made by residents of the Town, usually without their own professional representation. The Associate Planner also reviews legal documents, including easements, condominium declarations and HOA documents, eliminating the need for review by outside legal counsel. Elimination of this position will reduce the efficiency of the project review process, and, further, will shift additional administrative responsibilities onto the Town Planner, reducing the overall productivity and responsiveness of the Town Planner.

In municipal government, and in a Planning Department in particular, the "Other duties as assigned" task in the job description represents a significant and often underestimated role. The Associate Planner is tasked with doing significant research in support of other Town Departments, including the Assessing Department, Department of Engineering and Environmental Services, and Building and Code Enforcement. The Associate Planner assists residents and applicants by conducting research on past land use decisions, deed histories and legal matters relating to land use. The Associate Planner may spend hours daily responding to inquiries from residents, businesses and board members and is relied upon to provide well-researched and accurate guidance. The Associate Planner position requires a breadth of technical planning skill, knowledge of ordinances and regulations and state statutes, and plays a key role in ensuring that the Town is in compliance with such.

I write this letter because I am concerned that eliminating the Associate Planner position will negatively impact the level of service provided by the Planning Department and will not further the progress of the Town. From a planning perspective, there are a number of initiatives which have been "on the horizon" but were not able to be successfully implemented over the past several years, in part due to workload. In addition to the necessary Master Plan Update, which has yet to be initiated, other projects that had been identified as Department goals which have not yet been implemented include technical updates to the Subdivision Regulations and Site Plan Regulations, proposals for changes to Commercial Zoning, a much needed update to the Route 102 and Route 28 Overlay Districts, preparation of an updated Heritage Commission Lookbook, review and updates to the Sign Ordinance, and updates to the Multi-Family Housing Ordinance. These projects will require devotion of a significant amount of time by all members of the Planning Department. Eliminating staff positions at this time would further limit the Town's ability to advance these important projects and respond to the changing needs of the Town.

The Londonderry Town Council has prided itself on Londonderry "Leading the Way". I encourage the Town Council to continue to lead the way, without eliminating any of the Staff positions that make the Planning Department team one that provides first class service and support to all its customers.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Colleen P. Mailloux", with a stylized flourish at the end.

Colleen P. Mailloux, AICP
153 Heather Hill Lane
Goffstown, NH

VERNCO APPLE, LLC

70 Washington Street, Suite 310

Salem, MA 01970

978-744-4272 – phone

978-744-4288 - fax

February 2, 2023

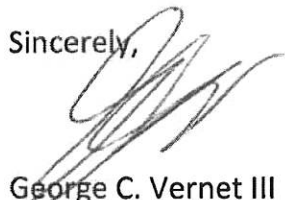
Dear Londonderry Town Council,

This letter is regarding Laura Gandia in the Planning Department. We understand the Town is considering dropping the position of Associate Planner. We feel this would be a tremendous mistake. Laura was a vital resource to us during our three-year ordeal of repositioning of the Apple Tree Shopping Center. She helped with securing approval from the State for our pylon sign on Route 102. The pylon has been a tremendous asset to the Center. In addition, there was a 10,000 square foot strip of land in between Apple Tree and TD Bank that was owned by Shaw's / or its successor's (meaning us). It had been in limbo with the Town for many years due to an unbuilt roadway many years ago. Laura was the only one (including our attorneys) that was able to figure out this out, thanks to her diligent research.

We also worked with Laura and the Engineering Department when we were connecting the Shopping Center to Town Sewer. This enabled us to put in tenants like Troy's Kitchen, Xtreme Craze, Planet Fitness, Lucciano's, Jersey Mike's, Game Changer Sports Bar, etc. Laura has been instrumental in the redevelopment of Apple Tree, which, quite frankly was a mess when we first purchased it in June of 2018.

Thank you for your time and I hope you reconsider eliminating this vital position in the Town of Londonderry.

Sincerely,



George C. Vernet III
Manager & Authorized Person