

1 **Londonderry Town Council Minutes**
2 **Monday, April 10, 2023**
3 **6:45 PM**
4 **Moose Hill Council Chambers**

5
6 4/10/23Meeting Video Link: <http://173.166.17.35/CablecastPublicSite/show/12193?channel=4>
7

8 **Attendance:** Present: Chairman John Farrell; Vice Chairman Chad Franz; Councilors Jim Butler,
9 Ted Combes, and Ron Dunn; Town Manager Michael Malaguti; Assistant Town Manager Kellie
10 Caron

11
12 **CALL TO ORDER**

13
14 Chairman Farrell called the Town Council meeting to order at 6:45 PM. The Pledge was led by
15 Chairman Farrell. This was followed by a moment of appreciation for our first responders, the
16 Police Department, Public Works Department, Fire Department, and all of those over at the schools
17 as well. For what they do for this community.

18
19 **NON-PUBLIC SESSION**

20
21 The Town Council entered into non-public session in accordance with RSA 91:A:3, II(m) for the
22 consideration of whether to disclose minutes of nonpublic sessions in the past due to the change
23 in circumstance. The Council took a roll call vote to enter into nonpublic.

24

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|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

25
26 Chair votes 5-0-0. The Council stepped out.

27
28 Motion to come out of nonpublic made by Vice Chairman Franz. Second by Councilor Combes.
29 The Council took a roll call vote to come out of nonpublic.

30

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|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

31 Vice Chairman Franz motioned to unseal the nonpublic session minutes as listed; 1/23/23,
 32 10/17/22, 9/26/22, 8/29/22, 6/20/22, 6/6/22, 4/11/22, 1/28/22, 1/10/22, 10/18/21, 10/18/21, 6/7/21,
 33 12/21/20, 11/19/18, 10/2/17 and 6/5/17 nonpublic sessions as redacted. Second by Councilor
 34 Combes.

35

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|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

36

37 Chair votes 5-0-0.

38

39 **PUBLIC COMMENT**

40

41 **Name:** Glenn Douglas

42 **Address:** 18 Overlook Ave, Londonderry, NH

43 Douglas stated that last time he was here he asked if the votes could be recorded. Douglas stated
 44 that he is happy that is being done now. Douglas stated that he asked about the minutes that were
 45 officially read into the record last time. He was told that the new rules for public comment were
 46 adopted in 2017, but he did a little research and they weren't adopted in 2017, they were actually
 47 adopted on April 18, 2018 by Councilors Farrell, Green, Butler, Dolan and Combes. Douglas stated
 48 that he doesn't believe they have been readopted since 2018. Douglas pointed out that in the
 49 Charter, within ten days of the elections, the Council needs to reorganize and adopt the rules of
 50 the Council, if they are different then the Town Charter. Douglas stated that for months the public
 51 has bene told that public comment was limited to three minutes, but could be extended. The rules
 52 read at the last meeting said that it was five minutes. Douglas stated that the Council needs to adopt
 53 the rules and they're not in effect until they are voted in. Douglas also discussed the letter to the
 54 editor in the Times from the Town Manager. Douglas stated that people have a right to speak in
 55 public comment.

56

57 **Name:** Sherry Farrell

58 **Address:** 4 Hancock Drive, Londonderry, NH

59 Farrell, Town Clerk, reminded people that dog registration month is here at the end of April. Please
 60 remember to register your dogs. Farrell also stated that there's a rabies clinic on April 29th coming
 61 up. It is open to everyone. Farrell stated that all of the money raised will go to the Londonderry
 62 band for their big trip to England. Farrell also reminded people to be kind to everyone and share
 63 the positive. It's a great community and everyone is doing a great job and effort they all put in.

64

65 **Name:** Schwan Faber

66 **Address:** 73 41 Old Nashua Road, Londonderry, NH

67 Faber congratulated the new Councilors and it was a good positive experience running. Faber

68 stated that he wanted to make that positive statement.

69

70 **Name:** Ann Chiampa

71 **Address:** 28 Wedgewood Drive, Londonderry, NH

72 Chiampa spoke about pickleball. Chiampa stated that the voters voted this down last time.
73 Chairman Farrell stated that at the last meeting the consensus of the Council was to investigate it.
74 Chairman Farrell stated that there have been task forces for many different ideas, not all of which
75 have gone through, such as the dog park. We are simply just looking into it. Chairman Farrell
76 stated that when something is voted down, it only means it's a no for one year. Chairman Farrell
77 stated that it is up to the task force to go out and solicit interest from the residents, what it's going
78 to cost, etc.

79

80 **Name:** Jonathan Esposito

81 **Address:** 5 Shelley Drive, Londonderry, NH

82 Esposito stated that he was interested in the updates to the Town Council rules of order on the
83 website. Town Manager Malaguti stated that the public comment rules were uploaded as a request
84 from a citizen but there were no changes. Esposito stated that no vote to accept the rules was made
85 so they shouldn't be on the website. Esposito stated that right now it doesn't appear that there are
86 any public comment rules.

87

88 **Name:** Glenn Douglas

89 **Address:** 6 Overlook Ave, Londonderry, NH

90 Douglas stated that there were changes to what was on the website. Chairman Farrell stated that
91 there were no changes to the rules. There was an error on the website that has since been fixed.
92 Douglas stated that the FY rules that were posted recently were different than the FY rules that
93 used to be posted.

94

95 Councilor Butler addressed the Council and public and stated that over the past few months, he
96 has watched people in the audience, read newspaper articles that all talk about conspiracy, mistrust,
97 etc. It goes on. Councilor Butler stated that it's all negative. Councilor Butler suggested that going
98 forward we should enter the video link to the meeting to the minutes so that way when someone
99 accuses the Council of not doing something or saying something, they can go back to the video.
100 Councilor Butler stated that the Council members are doing great and they have to take the
101 concerns of all of the citizens. Councilor Butler also stated that Chairman Farrell runs a good
102 meeting and a lot of other communities don't run their meetings so well. Councilor Butler
103 suggested that the people who come up and speak should offer solutions instead of always being
104 so negative.

105

106 Members of the public started talking and were told they were out of order.

107

108

109

110 **PUBLIC HEARING**

111
 112 Motion to open Public Hearing made by Vice Chairman Franz and second by Councilor Combes.
 113

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|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

114
 115 Chair votes 5-0-0.

116
 117 Town Manager Malaguti introduced Resolutions #2023-04 and #2023-05, the acceptance of
 118 unanticipated revenue under 31:95-b, III(a) for a Search and Rescue Training Grant and Energy
 119 Efficiency and Conservation Strategy Grant.

120
 121 Town Manager Malaguti stated that tonight we are just accepting the \$75,000 Energy Efficiency
 122 and Conservation Strategy with no decision being made to how the money would be spent. It
 123 would be taken back to the Council on how it should be spent once we hear back from the Utility
 124 Committee.

125
 126 Londonderry Police Department spoke on the SOU Grant.

127
 128 Motion to accept the unanticipated revenue from Resolution #2023-04 and Resolution #2023-05
 129 made by Vice Chairman Franz and second by Councilor Combes.

130

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|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

131
 132 Chair votes 5-0-0.

133
 134 Motion to close the Public Heard made by Vice Chairman Franz and second by Councilor Combes.

135

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|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

136 Chair votes 5-0-0.

137

138 **NEW BUSINESS**

139

140 **Source Water Protection Grant – Environmental Risk Assessment Report**

141

142 Emily DiFranco with CEI Engineering presented a PowerPoint (see attached) regarding the Source
143 Water Protection Grant. DiFranco stated that this began in 2019. The Town hired them then to
144 help with this Grant. DiFranco stated that Londonderry hired them to do a water resource
145 management protection plan for the town. This is looking at updated water resource plan. DiFranco
146 presented the report (PowerPoint). DiFranco showed a map and stated that 90% of the town relies
147 on septic systems. DiFranco asked if the Council had any questions.

148

149 Councilor Dunn stated that if they are required to get a permit for their systems, he's surprised
150 there are no records. DiFranco stated that there are records, but no electronic records, they're paper
151 records. DiFranco stated that if a septic application came in, that database would get updated.

152

153 There were no other questions.

154

155 **Order #2023-03 – Order Relative to Expenditure of Maintenance Trust Funds (Winter**
156 **Maintenance)**

157

158 Department of Public Works Director, Dave Wholley, presented. Wholley stated that the allocation
159 he's looking for tonight is for \$6,840.00 for the purpose of paying the remainder of this year's
160 bills.

161

162 Motion to approve Order #2023-03 made by Vice Chairman Franz and second by Councilor
163 Combes.

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| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

165

166 Chair votes 5-0-0.

167

168 **Order #2023-04 – An Order Relative to the Expenditure of Maintenance Trust Fund for**
169 **Various Projects – Fire Houses HVAC Building Maintenance System**

170

171 Department of Public Works Director, Dave Wholley, presented. Wholley stated that they system
172 has recently been updated. Wholley shared the current HVAC systems website and how it's
173 controlled at each building and in each room.

174

175 Motion to approve Order #2023-04 made by Vice Chairman Franz and second by Councilor
176 Combes.

177

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|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

178

179 Chair votes 5-0-0.

180

181 **Elderly Tax Exemption Discussion**

182

183 Assessor Steve Hamilton presented an update on the elderly tax exemption. Hamilton stated that
184 he made a presentation similar to this earlier in 2022. On a regular basis we want to make sure we
185 maintain the assets and business income for exemptions that can be granted to the elderly and the
186 disabled. This was last adjusted in 2020. Hamilton stated that what was provided to the Council,
187 there is a typo. It should say read, under the category of assets, the limit is not \$167,000, it should
188 read \$137,000. Hamilton described what assets are and the amount that are allowed. Chairman
189 Farrell asked the Council if they would entertain seeing a presentation on what the next evaluation
190 will look like before it goes to the public. Hamilton stated that she will share the results in a
191 preliminary analysis.

192

193 **Resolution #2023-07 – A Resolution Creating the Londonderry Pickleball Task Force**

194

195 Town Manger Malaguti stated that the follows the mold of a regular task force. The goal is to leave
196 as much room for possible for the task force to define goals and options, and where it would like
197 to go. Chairman Farrell stated that he wanted to change the date of the task force ending to
198 September, so that we can get answers before budget season. Chairman Farrell reminded people
199 that we are establishing a task force to look into things but this does not mean it will happen.

200

201 Motion to approve Resolution #2023-07 made by Vice Chairman Franz and second by Councilor
202 Combes.

203

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|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

208

209 Chair votes 5-0-0.

210

211 **Ordinance #2023-02 – An Amendment to the Zoning Ordinance Relative to the Rezoning**
 212 **Map 15, Lot 26**

213

214 This is a first reading.

215

216 Motion to accept the first reading and schedule a public hearing for Resolution #2023-02 made by
 217 Vice Chairman Franz and second by Councilor Combes.

218

| | |
|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

219

220 Chair votes 5-0-0.

221

222 **LPD Request for ARPA Funding – Acquire BRINC LEMUR 2 Drone and Upgrade Dispatch**
 223 **Center**

224

225 Town Manager Malaguti stated that we are asking for some support for some work that needs to
 226 be done on the dispatch center at LPD, however, that will be tabled until next meeting. Malaguti
 227 stated that the focus tonight is the LPD would like to obtain a new drone unit, which is a large
 228 success. Not only do they rescue animals and children, but it keeps our guys out of harms way.
 229 Malaguti stated that he supports LPD in all of these items.

230

231 Police Chief Kim Bernard presented what LPD is looking for. Chief Bernard stated that there has
 232 been a drone program at LPD since 2018. There are currently three drones, with different
 233 functionalities, on staff. Chief Bernard stated that a few of the drones are outdated. The one LPD
 234 is looking to obtain is a newer version of the older one LPD has. Chief Bernard explained the new
 235 drone in detail. The Council gave Chief Bernard a consensus to move forward.

236

237

238 **National Opioid Settlement**

239
 240 Town Manager Malaguti stated that the Council may recall that there was litigation against the
 241 opioid manufactures That litigation was settled in the last six months or so and Londonderry has
 242 received approximately \$100,000 that needs to be used for opioid abatement and mitigation
 243 purposes. Town Manager stated that New Hampshire sued the distributors. Whereas Londonderry
 244 had previously filed suit and had its own litigation, pending alongside New Hampshire’s, against
 245 the manufactures. Londonderry does not have its own. The State of New Hampshire is doing that.
 246 Town manager Malaguti stated that the Attorney Generals Office is asking Londonderry to sign
 247 on. The Council gave consensus.

248
 249 **Appointment of Kayla Chase as Deputy Tax Collector**

250
 251 Motion to appoint Kayla Chase as Deputy Tax Collector made by Vice Chairman Franz and second
 252 by Councilor Dunn.

253

| | |
|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

254
 255 Chair votes 5-0-0.

256
 257 **APPROVAL OF MINUTES**

258
 259 Vice Chairman Franz stated that he has an amendment. On line number 214, it says no vote under
 260 Councilors Dunn and Combes, where it should read abstained.

261
 262 Motion to approve the Town Council minutes from March 20, 2023 as amended made by
 263 Councilor Combes. Second by Councilor Dunn.

264

| | |
|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

265
 266 Chair votes 5-0-0.

267
 268

269 The Council gave liaison updates.

270

271 **Adjournment**

272

273 **Motion:** Vice Chairman Franz

274 **Second:** Councilor Dunn

275

| | |
|--------------|-----|
| John Farrell | Yes |
| Chad Franz | Yes |
| Jim Butler | Yes |
| Ted Combes | Yes |
| Ron Dunn | Yes |

276

277 Chair votes 5-0-0.

278

279 **Meeting adjourned at 8:50 PM**

280

281 Minutes taken by Kirby Brown on 4/10/2023

282 Minutes typed by Kirby Brown on 4/18/2023

283 Minutes approved by Town Council on 4/10/2023