

**Londonderry Town Council Minutes**  
**Monday, April 24, 2023**  
**7:00 PM**  
**Moose Hill Council Chambers**

**Meeting Link:** <http://173.166.17.35/CablecastPublicSite/show/12202?channel=4>

**Attendance:** Present: Chairman John Farrell; Vice Chairman Chad Franz; Councilors Jim Butler, Ted Combes, and Ron Dunn; 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 of Allegiance was led by Chairman Farrell. This was followed by a moment of appreciation for the great people of Londonderry who are all on vacation, wishing them safe travels and safe return home.

**PUBLIC COMMENT**

Chairman Farrell stated that he's been asked to share some information with the community. Chairman Farrell stated that they do assessments based on April 1st of the current year. Current year assessments were just done for 2023. Chairman Farrell stated that there was an article in the local paper about the Woodmont company and how much they pay for taxes into the community. The number that was given was only the number that was given for the town tax. Chairman Farrell stated that we have the school government, we have town government, we have county government, and we have state education tax. In the event Woodmont pays taxes, they pay money to the schools and the town, as well as the county and to the state. The article that was placed in the paper did not explain all the revenue thus far, only one piece of it. Chairman Farrell stated that Woodmont has no tax credits. In total, they pay around \$1.4M in taxes to the different entities.

**Name:** Ray Breslin

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

Breslin asked the Council if something is brought up later on the agenda can the public speak. Chairman Farrell stated that they will only be taking comments during public hearing and public comment, but there are three public hearings. Breslin commented about the unanticipated revenue. Breslin stated that that Resolution is under public hearings, so he would be able to make comments. Breslin stated that this is a huge amount of money. Breslin asked what the purpose of the money is. Chairman Farrell stated that there will be a presentation that will hopefully answer some of his questions.

**Name:** Kristine Perez

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

Perez asked if before more ARPA money is distributed, that it could be looked at for studies or whatever is needed for the town's water problem. Perez stated that it is her understanding that the Utilities Committee received \$74,000 too. Perez stated that if there's this goldmine that we accepted, that we put some of it towards our needs and less wants. Perez also shared a statement regarding the last Council meeting. Perez stated that there was attacked by a Councilor at the last meeting. Perez stated that the Speaker of the House would never allow any member of the House, or any member leadership to disgrace the office like what was done by a Council member at the last meeting. Perez stated that people want consistency by the Council. Don't let some people use the Town Hall rooms and others not. Perez told the Council not to discriminate. Perez asked Chairman Farrell to run his meeting with respect and dignity.

Chairman Farrell stated that town facilities have rules and there is no discrimination. There is a process for using town facilities.

Councilor Butler stated that he will not apologize about the last meeting, because what he said was the truth.

**Name:** Mackenzie Farrell

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

Farrell stated that she has been a resident of Londonderry for twenty-three years, and a lot of people who say the town isn't doing a great job, come to every meeting and have negative things to say every time, a lot of people at home and in town don't have those same concerns. Farrell stated that this small majority like to say the same thing each time. Farrell stated that as a nurse, she is taught respect.

**Name:** Fire Chief Darren O'Brien

Chief O'Brien gave a few updates that are happening at the fire house.

**Name:** Martha Smith

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

Smith stated that she wants to speak on the lease. She works at Mack's Apples and she was upset when she read this on the agenda. That property had been farmed prior to the new owner, by the Mack family for years and years. Smith stated that this switch will be confusing. On one side of the street it will be Mack's Apples and on the other side it will be Sunnycrest. Smith stated that it will hurt Mack's.

**Name:** Edmond Ford

**Address:** Representing Moose Hill Orchards, LLC (Mack's Apples)

Ford stated that he is here to express Mack's Apples interest in that property and that Mack's hasn't been involved in the discussions. Ford stated that Moose Hill Orchards would be very interested

in leasing that property. The process that has taken place could cause difficulty for Mack's and could cause difficulty for the town. Ford stated that he does not know the terms of the lease.

**Name:** Sherry Farrell

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

Farrell reminded the public about the third annual rabies clinic.

Councilor Ron Dunn made a comment. Councilor Dunn stated that everyone can attack policies, ideas, and issues, and we can all have a difference of opinion, but don't attack the person and make it personal. Councilor Dunn stated that the personal attacks need to end.

Vice Chairman Franz stated that he is speaking on behalf of himself and not the Council. Vice Chairman Franz read a letter into the record about the importance of public comment and the heightened level of conflict during public comment. Vice Chairman Franz shared all the positive changes the Council has made.

### **PUBLIC HEARING**

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

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

Chair votes 5-0-0.

Chairman Farrell introduced Resolutions #2023-08, the acceptance of unanticipated revenue under 31:95-b, III(a) for Fire Department Training from New Hampshire Charitable Foundation.

Deputy Fire Chief, Bo Butler, presented. Deputy Chief Butler went through the upcoming classes being offered for mental health at Londonderry Fire Department. The Council thanked Deputy Chief Butler for all of his hard work obtaining the monies.

Motion to accept the unanticipated revenue from Resolution t#2023-08, the acceptance of unanticipated revenue under 31:95-b, III(a) for Fire Department Training from New Hampshire Charitable Foundation made by Vice Chairman Franz. Second by Councilor Combes.

John Farrell	Yes
Chad Franz	Yes

Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Chair votes 5-0-0.

Assistant Town Manager & Economic Development Director, Kellie Caron, introduced Ordinance #2023-02, an amendment to the Zoning Ordinance relative to the rezoning Map 15, Lot 26.

Lisa Bernard, District VP for Granite YMCA, and Jason Lopez with Keach-Nordstrom Associates, Inc. presented. Lopez asked if the Council has any questions. The Council had discussion about C-1 and C-2. Chairman Farrell asked Caron if she could describe the differences between C-1 and C-2. Caron stated that the major difference is recreational facilities, that is not a permitted use in C-1. Rezoning it into C-2 allows the YMCA to function as it does.

**Name:** Patrick Cassidy

**Address:** 12 Elwood Road, Londonderry, NH

Cassidy asked what other options there are. Cassidy stated that some of the concerns are not about the current use. There are some future concerns by residents if the YMCA ever sold.

Caron stated that there are no formal criteria for rezoning requests outside of the application. It really speaks to approving these requests based on health, safety and welfare of the community. And how that request is in accordance with the Master Plan.

Lopez stated that this use is what the Master Plan is calling for, recreation, in this area.

**Name:** Ray Breslin

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

Breslin stated that the YMCA does great things in Londonderry. Breslin stated that the only question he has is what exactly the intent is.

Bernard stated that they just want to be able to utilize the space, and facility for programming. More space is needed so it could be utilized for a pavilion for programing or activity areas.

Councilor Combes motioned to approve Ordinance #2023-02, an amendment to the Zoning Ordinance relative to the rezoning Map 15, Lot 26. Second by Vice Chairman Franz, for discussion.

Councilor Butler stated that the neighbors are important and they need to realize there will be a fifty-foot buffer and if anything at all changes on that property, they have to come back. Councilor

Butler stated that the YMCA is a great service to the community.

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

Chair votes 4-1-0.

Chairman Farrell introduced Resolution #2023-09, the acceptance of unanticipated revenue under 31:95-b, III(a) for Community Project Funding for Pillsbury Pump Station. & Force Main.

Town Manager Malaguti presented. Malaguti stated that this is a community funding grant that Londonderry applied for to upgrade sewer infrastructure in south Londonderry. Malaguti presented a map to show the south and north Londonderry sewer system and how it works. Malaguti stated that this is an opportunity to take this long sought-after project and make it a reality. It will benefit Woodmont Commons, other areas in south Londonderry, and the environment.

**Name:** Kristine Perez

**Address:** 5 Wesley Drive, Londonderry

Perez asked what the total cost might be. Malaguti stated that it will be \$7.78M. Perez stated that this is half of it, and asked where the other half was coming from. Malaguti stated that the town is negotiating with Woodmont over that right now.

**Name:** Jim Green

**Address:** 22 Sugarplum, Londonderry, NH

Green asked if Sugarplum should be apart of the Master Plan.

Councilor Combes confirmed the connection will be on Bancroft to flow north. Malaguti stated that it will flow north-west. Councilor Combes asked if any more work will be done on Bancroft. Malaguti stated that he will look into it as the discussions continue.

**Name:** Anne Fenn

**Address:** 18 Partridge Lane, Londonderry, NH

Fenn asked when the Manchester Wastewater Treatment Plant's last inspection is. Can we get copies of those reports so we can make sure we are hooking up to a facility that is up-to-date? Malaguti stated that he will look into it because it's a good suggestion. Malaguti stated that an environmental review also is a requirement of receiving this money.

Motion to accept Resolution #2023-09, the acceptance of unanticipated revenue under 31:95-b, III(a) for Community Project Funding for Pillsbury Pump Station. & Force Main made by Vice

Chairman Franz. Second by Councilor Combes.

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

Chair votes 5-0-0.

Motion to close Public Hearing made by Vice Chairman Franz and second by Councilor Combes.

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

Chair votes 5-0-0.

## **NEW BUSINESS**

### **Lease of 122 Pillsbury Road to Sunnycrest Farms**

Town Manager Malaguti presented. Malaguti stated that as a reminder, the town acquired this land, adjacent to the town complex, from Moose Hill Orchards and Andy Mack on June 24, 2021. Malaguti stated that it was historically one parcel of land, but due to this transaction, it was divided into two parcels. One parcel is 122 Pillsbury Road, which is what is being discussed. That parcel is not encumbered by any conservation or open space restriction. The town required it for municipal purposes and it's under the management of Town Council. Malaguti stated that the transaction was done in 2021 to keep the land from being developed. Malaguti stated that he is recommending the Hicks lease because they will honor the public access, which Mr. Mack habitually offered to the community. Malaguti stated that the Hick's have been farming apples in Londonderry since 1943. They know how to grow apples and they are willing and able to take over the lease so that the apple trees can be preserved for the future.

Councilor Dunn asked Malaguti if Martha Smith's concerns were brought to the town. Malaguti stated that there were twelve applications, and Moose Hill Orchards was one of them. None of the other applicants had apple growing or agricultural experience. Malaguti stated that they originally offered Mack's Apples a one-year lease, but they in turn wanted more than one year and the town and Council were not comfortable with that. Malaguti stated that in his discussions with Councilors and Conservation Commission members, they wanted someone who was well integrated in the

community and who will honor the public access that Mr. Mack offered to the community.

Motion to authorize a lease for five years made by Vice Chairman Franz. Second by Councilor Butler.

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

Chair votes 5-0-0.

Motion to authorize the Town Manager to execute a lease with Sunnycrest Farms under the provisions which have been explained made by Vice Chairman Franz. Second by Councilor Butler.

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

Chair votes 5-0-0.

#### **APPOINTMENTS/REAPPOINTMENTS**

Motion to appoint Joy Muller as an Alternate Member on the utilities Committee made by Councilor Dunn. Second by Councilor Butler.

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

Chair votes 5-0-0.

The Council interviewed Tony DeFrancesco, Shawn Faber, and Deb Paul for an alternate position on the Planning Board.

The Council interviewed Cindy Conley and Jim Green for a position on the Trustee of the trust

248 Fund.

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250 Motion to appoint Cindi Conley to a one-year term on the Trustee of the Trust Fund made by Vice  
251 Chairman. Second by Councilor Butler.

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

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254 Chair votes 5-0-0.

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256 Motion to appoint Jim Green for the two-year term as a Trustee of the Trust Fund made by  
257 Councilor Combes. Second by Vice Chairman Franz.

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

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260 Chair votes 5-0-0.

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262 Motion to appoint Tony DeFrancesco as an alternate member on the Londonderry Planning Board  
263 made by Councilor Butler. Second by Vice Chairman Green.

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

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266 Chair votes 5-0-0.

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268 Councilor Dunn motioned to appoint Deb Paul as an alternate member on the Utility Committee.  
269 Councilor Combes asked if there was an open spot. Councilor Dunn stated that there is one more  
270 open spot. Chairman Farrell stated that we need to find out before we appoint someone. Councilor  
271 Dunn withdrew his motion.

272

273 The Council went back to New Business.



**Order #2023-02 Executive Summary to keep it from being developed.**

Deputy Fire Chief Bo Butler presented a PowerPoint. Deputy Chief Butler stated that they will be providing the Council with an executive summary on Council Order #2023-02, they have executed that document and feel their obligation and responsibility to update the Council and taxpayers with their they stand with the monies granted to the department to complete this mission. The other item is will be a thermal camera presentation. Deputy Chief Butler stated that they will be seeking funds to make it a reality. He introduced Lt. Chris Lamy and Battalion Chief Bruce Hallowell. Battalion Chief Hallowell presented the executive Summary. Lt. Lamy presented the TIC presentation.

**APPROVAL OF MINUTES**

Motion to approve the non-public minutes from April 10<sup>th</sup> made by Vice Chairman Franz and second by Councilor Combes.

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

Chair votes 5-0-0.

Motion to approve the Town Council minutes from April 10, 2023 as amended made by Vice Chairman Franz. Second by Councilor Combes.

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

Chair votes 5-0-0.

The Council gave liaison updates.

**Adjournment**

**Motion:** Vice Chairman Franz

**Second:** Councilor Combes

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

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307 Chair votes 5-0-0.

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309 Minutes taken by Kirby Brown on 4/24/2023

310 Minutes typed by Kirby Brown on 5/5/2023

311 Minutes approved by Town Council on 5/15/2023