

LONDONDERRY TOWN COUNCIL MEETING MINUTES

August 17, 2020

The meeting took place in the High School Cafeteria.

Present: Chairman John Farrell; Councilor Jim Butler, Tom Dolan and Deb Paul; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik; Executive Assistant Kirby Brown; Absent: Vice Chairman Joe Green

CALL TO ORDER

Chairman Farrell called the Town Council meeting to order. Chairman Farrell also read the meeting guidelines into the record. Chairman Farrell also discussed the mask policy. This was followed by the Pledge of Allegiance. This was followed by a moment of silence for our country.

PUBLIC COMMENT

Kathy Wagner, 7 Fiddlers Ridge, stated that she wanted to clarify that Old Home Day was a labor of love and no one ever got paid. She doesn't want anyone thinking favorable status was given.

Ron Dunn, 12 Quincy Rd, stated that on August 5th there was a PFSA webinar. It was hosted by NHDES. During the webinar, Saint-Gobain is trying to get a one year extension on their filter. Dunn asked if any member of the Town Council has any influence on it. Chairman Farrell stated that Londonderry stands with the Town of Merrimack in everything they're doing to oppose Saint-Gobain. Town Attorney Mike Ramsdell stated that the new standard doesn't go into effect until 2021. Town Manager Smith stated that we can put together a letter of support.

Neil Dunn, 21 Sherwood Rd, asked why he hasn't seen the Town Council meetings publically noticed in the paper. Town Manager Smith stated that only public hearings are noticed and the agenda is usually posted the week prior online and at Town Hall.

Jake Butler, 86A Adams Rd, read a statement to the Council. See attached statement.

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34 Tom Butler, 5 Danbury Ct, stated that he would like to give his 5 minutes in public comment
35 to Jake Butler so that he could finish his statement.

36
37 Councilor Jim Butler thanked Jake and Tom for their remarks. Councilor Butler stated that
38 during previous Council meeting and in the paper, Councilor Paul has publically called into
39 questions his reputation and the reputation of his family. Councilor Butler stated that he
40 won't allow that to happen. Councilor Butler stated that his family has given to the town for
41 the last thirty years. Councilor Butler stated that Councilor Paul said she had letters and she
42 was going to do a follow-up article. Council Butler asked Councilor Paul to see the letter
43 she has from Cooperstown and a copy of the follow-up articles she said she wrote. Councilor
44 Butler stated that the paper is Councilor Paul's business and the advertisers keep the paper
45 alive. Councilor Butler stated that some of the other Councilors have other jobs and they
46 don't have the luxury of owning a local newspaper. Councilor Butler stated that he is proud
47 of everything his family does for this town. And when people from the town come and tell
48 him something in confidence, it stays with him in confidence as a Town Councilor.

49
50 Councilor Paul stated that when her editor moved back to Oregon, they were left without
51 one and they never replaced it. That information has to go somewhere. The paper only has
52 herself, her husband and her daughter. Councilor Paul stated that her daughter and husband
53 have other jobs so someone has to look at the letters and put them in a folder to be placed
54 into the paper and that they follow the rules that are put into place for the letters to the editor.
55 Councilor Paul stated that is why her email is on the information that is out there. Councilor
56 Paul stated that a lot of what was said was taken out of context. People can't always look at
57 her because she has a paper and say that she doesn't have integrity. Councilor Paul stated
58 that she tries to be as transparent as she can. Councilor Paul stated that the person that gave
59 her that letter, gave it to her in confidence and asked her to hold onto it until the next step.
60 That is why there hasn't been a follow-up article as well. Councilor Paul stated that once
61 that happens she will give Councilor Butler the letter. Councilor Paul stated that she said
62 that there should be contested races, there always should be.

63
64 Jake Butler, 86A Adams Rd, stated that the mowing contracts, they are a sealed bid process
65 that is always open to the public. Butler stated that what they mow at no cost to the town is
66 the Town Common, whereas the other properties he talked about the town does receive a
67 bill for. Councilor Paul stated that she's never seen the sealed bid process and she doesn't
68 know when it is and that maybe Londonderry should do what Derry does and put it up RFP
69 page. Chairman Farrell stated that it does follow stated law and it's noticed, it goes ot the

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70 public and it follows the state guidelines.

71
72 Ann Chiampa, 28 Wedgewood Drive, thanks Butler for the free service he gives to the Town
73 Common.

74
75 Councilor Dolan stated that his interactions at the state as a State Representative, he says
76 that with the economic shutdown that's been experienced over the last few months, he says
77 there are early indications that there will be significant work done at the state to reprioritize
78 state revenues that have shrunk, which in the way the state helps the municipality with the
79 flow down of funds, we can expect a reduction going forward over the next year or so with
80 the amount of money that will be available from the state. The message needs to flow to the
81 school because they will be more impacted. Councilor Dolan stated to keep it in mind during
82 the budget process.

83
84 Chairman Farrell reminded residents of the upcoming State Primary and the hours at the
85 polls. Town Manager Smith discussed mail-in ballots and that everything has gone smooth
86 so far. Councilor Butler stated that he wants clarification that Councilor Dolan can't
87 participate as a Councilor in the elections because he is running for State Representative.
88 Chairman Farrell stated that he will have to appoint a designee to stand in for him.

89
90 Chairman Farrell stated that eight communities have put into place an Ordinance regarding
91 masks. Chairman Farrell asked the Council that at the next meeting they can draw up an
92 Ordinance for discussion and a public hearing about mandating masks in the community.

PUBLIC HEARING

95
96 **NONE**

NEW BUSINESS

99
100 Town Attorney Mike Ramsdell presented the legal obligations of board members. See
101 attached presentation.

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Councilor Paul stated that she went to Lawyer Yates at the Institute of Free Speech in Washington D.C. Councilor Paul stated that Yates said that she had every right to speak as a citizen and a person at a meeting. Councilor Paul stated that she also went to the state and the Municipal Association and told them about the situation. Councilor Paul stated that she spoke with Attorney Natch Geryes, a legal representative for NHMA. Councilor Paul stated that Attorney Greyes has a completely different opinion than what Attorney Ramsdell presented. Councilor Paul stated that her paper covers the town. Councilor Paul stated that she thought this was already addresses since Chairman Farrell wanted to bring it up at the last meeting she didn't think the counsel was needed. Chairman Farrell stated that he did not bring it up at the last meeting. Chairman Farrell stated that Councilor Paul asked the attorney to come. Chairman Farrell stated that Attorney Ramsdell is here because of that.

Attorney Ramsdell and Councilor Paul discussed the differences. Councilor Paul stated that she doesn't understand why it keeps going on and on and why it is an issue. Councilor Paul stated that people knew she was a newspaper person when she was voted in. Councilor Paul stated that she feels like she hasn't done anything wrong. She hasn't voted on anything she shouldn't and she hasn't said anything she shouldn't have said. Councilor Paul stated that she doesn't call or email anyone on the Council. Councilor Butler responded and said to Councilor Paul that she makes comments against his family and he won't tolerate it.

Councilor Paul stated that the Council isn't voting on anything with the school and the only question she asked was about the drought and watering the fields. Attorney Ramsdell stated that Councilor Paul stated at the last Town Council meeting that she was going to set her own rules and that she demanded the Town Attorney come to the meeting to talk about it. There was also an article in the newspaper that said Councilor Paul doesn't care what else is said until the Town Attorney comes to the meeting to explain it.

Attorney Ramsdell referred to Councilor Paul's articles in the presentation. Ramsdell stated that the Londonderry Times Publisher section states that Councilor Paul alone decides what goes in her newspaper. Ramsdell stated that she can't take the position that she doesn't write the articles. Ramsdell pointed out that it stated Councilor Paul has the right to edit things and that all publishing decisions go through her. Councilor Paul stated that it says Nutfield Publishing. Ramsdell pointed out that it states "decisions of the

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138 publisher are final”. Councilor Paul is the publisher and she makes the decision. Councilor
139 Paul stated that it is her job and she doesn’t understand what she did wrong. Councilor
140 Paul stated she promotes the town and a great event and she doesn’t see how that’s wrong.
141 Attorney Ramsdell stated that during Councilor Paul’s campaign she never explained to
142 the voters that she has any conflicts of interest. Councilor Paul stated that she doesn’t
143 think there is. Councilor Paul stated that she has wanted to ask many times if the Council
144 believes it is a town conflict but no one has given her the opportunity.

145
146 Chairman Farrell stated that he has offered to call her, have coffee with her, walk her
147 though it and he has made every offer. Chairman Farrell stated that if any Councilor has a
148 question on anything they need to ask. Councilor Paul stated that down the road if she is
149 asked to recuse herself she will.

150
151 Councilor Butler stated that Councilor Paul is the owner of the local newspaper and she’s
152 received the booklet with the Charter in it and the Town Attorney stated that there is a
153 conflict of interest. Since there is one, where does the Council go from there. Attorney
154 Rasmdell stated that he didn’t say that Councilor Paul has a conflict of interest in being a
155 Town Councilor, there are lots of things the Councilor does that she would not have a
156 conflict with. Attorney Ramsdell stated that he was asked to be here because Councilor
157 Paul didn’t agree that she had a conflict of interest in deciding matters as a Councilor
158 regarding the School District or Old Home Day. There are issues that Councilor Paul has
159 to be aware of and she has conflicts of interest she won’t be able to participate in those
160 issues.

161
162 Chairman Farrell introduced Resolution #2020-11, a Resolution relative to the acceptance
163 of funds under RSA 21-P:43. Assistant Town Manager Drabik presented and stated that
164 this does not require a hearing. This Resolution is in regards to emergency management
165 funds under the CARES act. The state is making available to municipalities three million
166 dollars to insure election integrity. It will be divided according to a formula based on the
167 number of ballots cast. In order for the town to be able to apply for the grant, we need the
168 Council to authorize the acceptance of funds. Motion to approve Resolution #2020-11
169 made by Councilor Dolan and second by Councilor Butler. Chair votes 4-0-0.

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OLD BUSINESS

NONE

APPROVAL OF MINUTES

Motion to approve the Town Council minutes from July 13, 2020 made by Councilor Dolan and second by Councilor Paul. Chair votes 4-0-0.

The Council interviewed Mike Byerly, Jeffrey Penta and Ron Dunn for positions on the Planning Board.

Town Manager Smith gave an update on the Town Hall annex project. The Council decided to wait on the building and readdress it in the spring.

ADJOURNMENT

Motion to adjourn made by Councilor Dolan and seconded by Councilor Paul. Chair votes 4-0-0.

Notes and Tapes by: Kirby Brown

Date: 08/17/2020

Minutes Typed by: Kirby Brown

Date: 08/27/2020

Approved by: Town Council

Date: 08/31/2020

Town Council Meeting

8/17/2020

Good Evening Mr. Chair and Members of the board,

During the town council meeting on June 15, 2020 I came to the Town Council with some concerns in regard to an inaccurate title and reporting in the Londonderry Times, with hopes that Council Woman Paul, who is the editor, owner and publisher of the Londonderry Times, Would course correct and properly inform the residents of the Town of Londonderry. I had put my faith in you, as my duly elected official to do what was right. My request was ignored, and there was no correction in the next issue of your Londonderry Times. You ran your campaign based off the promise of 'truth' and 'transparency' in town government, but you refuse to show 'truth' and 'transparency' in your very own newspaper. The code of ethics on the Society of Professional Journalists clearly states the following: Acknowledge mistakes and correct them promptly and prominently.

At this same meeting, you said, and I quote "I am not the editor." Councilwoman Paul, if you are not the editor, then who is? Under the submissions section of your website, londonderrytimes.net, there is a section for letters to the editor. The second to last sentence reads: You may submit your letters to our editor at dpaul@nutpub.net. Councilwoman Paul, is that

not your email address? Where is the 'truth' and 'transparency' that you so campaigned on?

I did not come to this meeting tonight to discuss these things I have spoken about just now but feel as though I have an obligation to inform the residents of this town properly.

Tonight, I have come to this meeting as I feel the need to defend myself and my families name against some possible accusations brought up by Councilwoman Paul. The councilwoman said to my father, Counselor Butler, in regards to certain interests in town that and I quote "you with the fire department, and your other son who is on the planning board, and works at Shady Hill" Councilwoman Paul, What were your eluding to? Was it nepotism, or cronyism?

In an effort to promote the 'truth' and 'transparency' that you so campaigned on, I would like to talk about what felt like were accusations of Nepotism, Cronyism, and back room deals.

Yes, my brother, Lieutenant Bo Butler, is on the fire department. Bo was hired in 2005 full time after coming back from his tour in Iraq. He started on call in 2002. My father, Councilor Jim Butler, was elected to this council in 2012, long after Bo was hired at the Fire Department. Where is the Nepotism in that? I have applied to 3 separate times to positions on the fire department, of which I had never been hired. Where is the nepotism in that?

Yes, the company I work for does business with the town and school districts in both the Summer and Winter months. There

are also 4 other LOCAL landscaping companies who are contracted out through the Town and School districts to perform landscaping services. We mow the Central Fire Department, Town complex and the Town Common. The Town Common was being charged at no cost to the town. We also mow the Pillsbury and Sunnyside. At the School District we maintain The South, North and Moose Hill Schools. Sweet Landscaping maintains the following: North Fire, South Fire, The Senior Center, The Morrison house, Pillsbury Cemetery Phases 1, 2, and 3 as well as Pinkerton Cemetery. Green Magic maintains the following: Glenwood, Kendall, Towne and Valley Cemetery. Trimmers landscaping maintains The High School, Access Center, Middle School, and Mathew Thornton. Mr. Cotton has always split the maintenance contracts through multiple LOCAL vendors. Where is the Cronyism in that?

My family does most certainly, have a deep-rooted love for this town. Londonderry is the only place I have ever, and will ever, call home. I bleed Lancer Blue, and my children will as well.

I got phone calls after a budget meeting from people saying they could overhear Deb Paul in the audience saying to people how Jim Butler needs to go and that he is bad for the town... You won't ever be half the person my father is.

Every aspect of my family has continually given back to this town for over 30 years.

I can remember times where my father would be at the LAFA fields, setting up orange temporary fencing with Mr. Sampson

long after the sun went down, to ensure the ballfields were ready for the weekends. This was before there was any boundary fences at the end of each field. I can also remember The Panthers first concession trailer. My father, and Mr. Fitzpatrick painted it Panther orange on what had to be the hottest day of the year. My father spent so many weekends in previous summers helping at the Kent Allen Forest when ever he could. It actually became a joke in my family, when no one knew where dad was. "He must be in the Town Forest." Since 2012 my father has given up many late nights to these town council chambers. Why? Because he loves this town.

My oldest brother, Bo, Donates his time every single week to this town in the role of Sexton, in charge of the graveyards. Bo took over as Sexton in the recent years and does not take any form of payment. Bo also digs the hole for urns of deceased family members at no cost to the family member. This is something that was being charged at over 300.00 per urn previously. Why? Because he loves this town.

Next time you walk into the new foyer of the Central Fire Department take a look down. The beautiful mosaic logo of the Fire department, as well as the labor to install both the mosaic and the rest of the foyer was Donated by my brother Tom. Why? Because he loves this town.

When I owned my landscaping company, I would take the boys that I coached for lacrosse every year across the street to edge and mulch the fire department. Every year they would learn a

valuable lesson of how very important it is to give back to their community. I would donate all the mulch for this. I have also donated mulch to the Town Common and Town Hall back when I was on the beautify Londonderry Committee. Every year I would donate Christmas Trees to the Rotary Club for their Christmas on the common. Since being bought out by Shady Hill, we have continued to donate 20 Christmas Trees every single year. I am sure you remember the hurricanes from a few years ago, the town set up a large drive to collect clothing, food, and toys for the families devastated by the hurricanes. When asked to help out by the town I was more than happy. I had crews help load everything into one of our trailers and bring it up to the seacoast where it would be shipped out from there. On another occurrence, I drove up a box truck borrowed from Sunnycrest, another Local business and family. Why? Because I love this town.

The company I work has also given back to the town in so many ways, long before I came along. We maintain a few of the Welcome to Londonderry signs weekly at no cost to the town. We also beautify the Bandstand at the common every week for the Concerts on the Common, and no cost to the town. And as mentioned before, we donate Christmas trees every single year to the Rotary Club at no cost.

Ms. Paul, the next time you try to insinuate that I, or my family has quote unquote interests in this town, make sure you know EXACTLY what you are talking about.

Mr. Chair – Thank you for allowing me to voice my concerns in a platform that the towns people can hear for themselves, instead of read, through the Londonderry Times, featuring Councilor, owner and editor, Deb Paul.