

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

**December 20, 2021**

The meeting took place in the Moose Hill Council Chambers, 268B Mammoth Rd, Londonderry, NH 03053.

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

## **CALL TO ORDER**

Chairman Farrell called the Town Council meeting to order and wished everyone happy holidays. This was followed by the Pledge of Allegiance. This was followed by a moment of silence for all the first responders out there keeping our roads clear and safe this holiday season.

## **PUBLIC COMMENT**

Ray Breslin, 3 Gary Drive, wanted to discuss the Ordinance being brought up in Public Hearing. Chairman Farrell stated that Breslin can certainly speak about it. Breslin stated that with all the burden the taxpayers in Londonderry are under, it doesn't seem reasonable to give a large corporation a tax break. Breslin suggested calling taxpayers to see how they feel about it. Town Manager Smith stated that this tax exemption isn't for Woodmont Commons, while on their property, it would be for anyone who developed there.

Doug Thomas, 143 Mammoth Rd, took the time to wish Londonderry a Merry Christmas on behalf of the town's State Representatives.

Richard Bielinski, 89 Hall Rd, stated that the town had a problem a year ago about where to put legal notices and the town decided to go with the Derry News. Bielinski asked why the legal notice for the public hearing on the Ordinance being discussed tonight, was placed in the Union Leader, when a notice for the same meeting for the unanticipated revenue, was placed in the Derry News. Bielinski stated that while it was legal, it seemed unethical. Bielinski stated that the Union Leader doesn't go to every house in Londonderry and it looks as though it was done intentionally so that people don't see it. Assistant Town

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

35 Solicitor, Mike Malaguti, responded and stated that the Thanksgiving holiday was in the  
36 timeframe, the agenda for the meeting was posted on the town website on 11/19. There was  
37 a first reading before the Public Hearing on 11/22. 11/22 was also the deadline to get it in  
38 the Derry News, which was a shorter deadline than normal because of the Thanksgiving  
39 holiday. On November 23<sup>rd</sup>, the notice was sent to the Union Leader. Thanksgiving was on  
40 11/25 and the notice ran on 11/29. On 11/29, the notice was posted on the town's website  
41 and on 12/3 the agenda was posted on the town's website. Malaguti stated that it was  
42 eighteen days' notice on the town's website, a first reading as notice, and eleven days in  
43 the Union Leader. Malaguti stated that this was an administrative decision that did not  
44 involve the Town Council, Town Manager, the Assistant Town Solicitor, or any other  
45 senior staff. It was done in ordinary business. Malaguti stated that the Council works in  
46 two-week cycles. Malaguti stated that in 2019 there was he discussion before the Council  
47 and the Town Council left it in the town staff's hands as an operational matter. The current  
48 practice is to use the Derry News as long as it is practical. Malaguti stated that it is not  
49 always practical given the two-week cycles, given holiday's and other things that may  
50 come up. Malaguti stated that the posting was legal, it even gave more notice than normal.

51  
52 Bielinski stated that he does not agree with the Ordinance and what's in it. Bielinski stated  
53 that something like this should go on the ballot in March and let the taxpayers decide  
54 instead of the Council deciding. Bielinski stated that the people should decide.

55  
56 Councilor Butler clarified that there is no unethical activity going on with the Council.  
57 Councilor Butler stated that the owner of the Londonderry Times is a Councilor and that is  
58 considered a conflict of interest.

59  
60 Tony DeFrancesco and Bob Slater spoke to the Council regarding the new proposed School  
61 District building. Slater stated that they received some preliminary pricing. It will be vetted  
62 and gone through the committee to be presented to the School Board on January 6<sup>th</sup>. Slater  
63 stated that they are working to make sure the building looks the same as Town Hall.  
64 Chairman Farrell stated that the Council will need to make a consensus from the School  
65 Board by the January 10<sup>th</sup> meeting if the bond is going to be between \$3M-\$4M so that the  
66 Council can prepare for January 17<sup>th</sup> and everything can move forward. Councilor Paul  
67 stated that she doesn't want to rush this project and she is neither for nor against it.  
68 Councilor Paul asked when the meetings were. DeFrancesco stated that the public was  
69 welcome to attend the meetings at the School District Office, but it wasn't a published  
70 item. Councilor Paul asked how the public is supposed to give input. DeFrancesco stated

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

71 that the public can give input at the Public Hearings. Councilor Paul asked if they can add  
72 some moveable walls to save on money. DeFrancesco stated that due to certain laws a lot  
73 of the rooms need to have privacy for meetings. Slater stated that these plans are only 60%  
74 and are out for budget purposes.

75  
76 Dave Wholley, Public Works Director of Municipal Facilities, stated that there are two  
77 spruce trees in the Town Common that are dying, and the tree crew to take them down is  
78 now available. Wholley stated that he would like to proceed to remove them. The Council  
79 stated to go ahead.

### **PUBLIC HEARING**

80  
81  
82  
83 Motion to open Public Hearing made by Councilor Dolan and second by Councilor Butler.  
84 Chair votes 5-0-0.

85  
86 Chairman Farrell introduced Ordinance #2021-03, an Ordinance relative to creating the  
87 Londonderry Commercial and Industrial Property Tax Incentive Program. This public  
88 hearing was continued from the last meeting. Malaguti presented. Malaguti stated that the  
89 feedback from the Council at the last meeting was one, a desire to see more flexibility in  
90 the Council to be able to set the duration and the amount of the exemption; and the tiers.  
91 Malaguti stated that they went back and made changes. We increased the tier amount to  
92 start at \$2.5M, move to \$5M and settle at \$10M for the highest exemption amount.  
93 Malaguti stated that the Council can pick the exemption percentage based on amount of  
94 public benefit that the Council finds. The Council can select between 40% and 50% for tier  
95 one; between 30% and 40% for tier two; and between 20% and 30% for tier three. Malaguti  
96 stated that the previous Ordinance said ten years of tax relief at 50%. Instead, the Council  
97 can not select either five or ten years of tax relief, based on the amount of public benefit  
98 decided by the Council. Smith stated that this would not apply to any existing building in  
99 Woodmont.

100  
101 Councilor Paul stated that she beliefs it needs more work. Councilor Paul went over what  
102 she thinks should change.

103  
104 Ray Breslin, 3 Gary Drive, asked what Woodmont's vision is. Has Woodmont had  
105 difficulty bringing business in and why. Smith stated that the Woodmont Commons Master

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

Plan is an approved Ordinance and it's not a vision that can be changed on a whim. They are required to have a certain amount of business, residential, etc. Any amendment or change would have to be approved by the Planning Board.

Chairman Farrell suggested continuing the hearing and conversation to the January 10<sup>th</sup> Town Council meeting to make sure it works for the community. Motion to continue the Public Hearing made by Councilor Dolan and second by Councilor Butler. Chair votes 4-0-0.

Motion to close Public Hearing made by Councilor Dolan and second by Councilor Butler. Chair votes 4-0-0.

### **NEW BUSINESS**

Chairman Farrell introduced Order #2021-21, an Order relative to the expenditure of Maintenance Trust Fund for various projects. Dave Wholley presented. Councilor Paul stepped down due to a conflict of interest. Wholley stated that on December 9<sup>th</sup>, the garage water heater developed a significant leak and failed almost nine years later. There was an emergency one put in and the new water heater has been installed. It comes with a six-year warranty. Motion to approve Order #2021-21 made by Councilor Butler and second by Councilor Dolan. Chair votes 3-0-0. Councilor Paul returned.

Attorney Mike Ramsdell, Town Attorney, stated that over the last few months, the Town's negotiating committee, which consists of the Town Manager, Assistant Town Manager, Assistant Solicitor, and himself, have been negotiating a new collective bargaining agreement with Local 3160 Fire Fighters Union. Ramsdell stated that an agreement has been met. Attorney Ramsdell stated that it will be on a warrant article, the actual cost to the town over the five-year agreement. Ramsdell stated that there is already an existing contract, and if the voters do not pass the new contract, the financial terms of the current contract would continue under an Evergreen Clause. Ramsdell stated that everyone works hard to get to where they are. Attorney Ramsdell stated that in the new agreement, which would go into effect July 2022, there are forty-eight members, each member will get a five percent increase in year one. Attorney Ramsdell stated that they also agreed to decrease the step tables. They discussed healthcare, the fire fighters would go to the Luminous Healthcare program. Chairman Farrell got a consensus from the Council and all four members, Councilor Dolan,

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

Councilor Paul, Councilor Butler and Chairman Farrell, were all in favor.

John Trottier, Director of Engineering and Environmental Services, and Bob Kerry, Environmental engineer, gave the Council an update on the Londonderry water system expansion assessment. Malaguti stated that once the Council decided to move forward, it would be the community's decision.

Motion to approve Resolution #2021-27, a Resolution relative to creating the composition of the Energy Efficient Task Force made by Councilor Dolan and second by Councilor Butler. Chair votes 4-0-0.

### **OLD BUSINESS**

Finance Director Justin Campo gave a budget update. Police Chief Bill Hart discussed the issue of cyber security and the importance of the issue with the Town Council. Chief Hart stated that the department spends about \$150K a year and have, that isn't budgeted for but they have to find. Chief Hart stated that there is some security with the schools but it's going to change. The company the department used to use is InForce911, but we no longer use that. Chief Hart stated that they have looked through Mutualink for ways to accomplish this. Chief Hart stated that Mutualink is subsidized by the Federal Government. It would have to be purchased by the schools and Town Hall. Chief Hart stated that the technology is dramatic and it's a matter of taking care of things instantly. Deputy Chief Kim Bernard stated that he will get an update on the system for the next Council meeting. Chairman Farrell stated that the town should move forward with this.

### **APPROVAL OF MINUTES**

Motion to approve the Town Council minutes from December 6, 2021 made by Vice Chairman Dolan and second by Councilor Butler. Chair votes 4-0-0.

### **BOARD/COMMITTEE INTERVIEW**

Councilor Butler stepped down due to a conflict of interest. Motion to reappoint Jake Butler to a three-year term on the Planning Board made by Councilor Dolan and second by

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

Councilor Paul. Chair votes 3-0-0.

Councilor Butler reentered the meeting. Motion to reappoint Jeff Penta for a three-year term as a full member on the Planning Board and Jason Knights to a three-year alternate position on the Planning Board made by Councilor Dolan and second by Councilor Butler. Chair votes 4-0-0.

Chairman Farrell reminded people that their term expires December 31<sup>st</sup> so they need to be reappointed in order to act on the board starting in the new year.

Motion to reappoint of Brendan O'Brien to a three-year full term and Mitch Feig to a three-year alternate position made by Councilor Dolan and second by Councilor Butler. Chair votes 4-0-0.

Motion to reappoint Sue Joudrey to a three-year full term on the Heritage Commission made by Councilor Paul and second by Councilor Butler. Chair votes 4-0-0.

### **ADJOURNMENT**

Councilor Paul asked Assistant Town Manager Drabik about the rebate program for filtration systems. Drabik stated that she spoke with NHDES and they are hoping to get it on a January agenda of the Executive Council. Bob Kerry is working on an application so as soon as we get a green light we will be ready to go.

Motion to adjourn made by Councilor Dolan and second by Councilor Butler. Chair votes 4-0-0.

Notes and Tapes by: Kirby Brown

Date: 12/20/2021

Minutes Typed by: Kirby Brown

Date: 12/28/2021

Approved by: Town Council

Date: 1/10/2022